

Exhibit 1

VILLAGE OF BRONXVILLE
BOARD OF POLICE COMMISSIONERS

- - - - -X
IN THE MATTER OF DISCIPLINARY CHARGES DATED
AUGUST 21, 2006,

- PROFFERED AGAINST -

POLICE OFFICER THOMAS KEMPKE,

- - - - -X
177 Pondfield Road
Bronxville, New York
December 13, 2006
6:30 p.m.

D I S C I P L I N A R Y

H E A R I N G

CARBONE & ASSOCIATES, LTD.
Wanda J. Sepulveda
111 North Central Park Avenue
Hartsdale, New York 10530
(914) 684-0201

COPY

A P P E A R A N C E S:

LOVETT AND GOULD, ESQS.

Attorneys for OFFICER KEMPKE

222 Bloomingdale Road

White Plains, New York 10605

BY: JONATHAN LOVETT, ESQ.

BOND, SCHOENECK AND KING, PLLC

Attorneys for THE VILLAGE OF BRONXVILLE POLICE

DEPARTMENT

1399 Franklin Avenue

Garden City, New York 11530

BY: TERENCE M. O'NEIL, ESQ.

BY: CHRISTOPHER T. KURTZ, ESQ.

THE BOARD OF COMMISSIONERS:

MARY C. MARVIN - MAYOR

GLENN D. BELLITTO - DEPUTY MAYOR

WILLIAM BARTON, JR. - TRUSTEE

ANNE POORMAN - TRUSTEE

ROBERT UNDERHILL - TRUSTEE

A P P E A R A N C E S:

HITSMAN, HOFFMAN AND O'REILLY, LLC

COUNSEL TO THE BOARD

570 Taxter Road

Elmsford, New York, 10523

BY: JOHN F. O'REILLY, ESQ.

Proceedings

4

1 MAYOR MARVIN: Good evening; the
2 Village Board of Trustees of the Village
3 of Bronxville convenes this evening as the
4 Board of Police Commissioners, for
5 purposes of conducting a disciplinary
6 hearing, pursuant to New York
7 Unconsolidated Law Section 5711-q.

8 This hearing concerns disciplinary
9 charges dated August 21, 2006, proffered
10 against Village Police Officer Thomas
11 Kempkes.

12 I am Mayor Mary Marvin, and for the
13 record, I will ask each member of the
14 board to introduce him or herself. Mr.
15 Barton; please.

16 MR. BARTON: William Barton.

17 MS. POORMAN: Anne Poorman.

18 MR. BELLITTO: Glenn Bellitto.

19 MR. UNDERHILL: Robert Underhill.

20 MAYOR MARVIN: I will also
21 introduce attorney, John O' Reilly; who is
22 here to assist the Board of Police
23 Commissioners in the performance of its
24 duties and responsibilities in this
25 proceeding.

Proceedings

5

1 At this point; I will ask each to
2 note their appearance for the record,
3 starting with the Village Police
4 Department.

5 MR. DOWNEY: Police Chief Brian
6 Downey.

7 MR. KURTZ: Bond, Schoeneck and
8 King, by attorney Terence O'Neil and
9 Christopher Kurtz.

10 MR. LOVETT: Jonathan Lovett, of
11 Lovett and Gould.

12 MR. KEMPKE: Police Officer Thomas
13 Kempkes.

14 MAYOR MARVIN: Before continuing, I
15 will ask Mr. Lovett, for the record;
16 whether Officer Kempkes has elected to
17 have the hearing open to the public or
18 not.

19 MR. LOVETT: Open.

20 MAYOR MARVIN: At the request of
21 Officer Kempkes, this hearing is open.

22 Members of the public who are
23 present are expected to exercise
24 appropriate decorum. We ask that cell
25 phones be switched off, and that there are

Proceedings

6

1 no private conversations.

2 This hearing is being transcribed
3 by a court reporter. A copy of the
4 transcripts will be provided to each
5 party.

6 I; as Mayor, will serve as Chair
7 for the purposes of the hearing. As such;
8 I will speak for the Board with respect,
9 to ministerial matters, and issues such as
10 objections as they may arise during the
11 course of the hearing. The Board does
12 reserve the right to caucus on issues and
13 may do so as requested by any member.

14 The Board; as whole, expects that
15 the hearing will be conducted in a
16 professional and efficient manner.

17 As previously indicated; we the
18 Board will call on Mr. O'Reilly to assist
19 in carrying out the hearing functions as
20 needed.

21 I will now ask Madam Reporter to
22 mark as Exhibit 1, the Notice of Hearing;
23 which is dated October 26, 2006, served on
24 both parties and respective attorneys.

25 (Whereupon, a Notice of Claim was

Proceedings

7

1 received and marked as Exhibit 1 for
2 identification, as of this date.)

3 MAYOR MARVIN: The Board is now
4 prepared to hear opening statements; Mr.
5 O'Neil.

6 MR. O'NEIL: Good evening; Mayor,
7 Board of Trustees, Chief, Mr. Lovett,
8 Officer Kempkes.

9 This case; first and foremost as
10 you know; involves the Police Department.
11 The police departments are very different
12 than any other type of employment in the
13 State of New York. They are a
14 paramilitary organization. They have very
15 special rules, in fact; the Public
16 Employment Relations Board in the courts
17 of this state, have excluded from
18 negotiations the disciplinary procedures
19 in most instances.

20 Any place where there is a charter
21 provision, or special laws that govern
22 police departments, they prohibited unions
23 from negotiating in regard to these
24 disciplinary procedures. They have done
25 so, by saying, that this is public policy

1 and there's an interest that ought to be
2 protected. That the discipline within
3 these departments have to be jealously
4 guarded.

5 That's why you are here. It's a
6 very unusual type of procedure. It's
7 something that none of the boards that I
8 ever represented relish in doing. I'm
9 sure this one doesn't either. But, it's a
10 responsibility as police commissioners,
11 you must serve.

12 The evidence will show that this
13 case is about an officer; who is someone
14 who is not coming to work. I say that,
15 because it really doesn't matter whether
16 he's not coming to work because he's sick,
17 because he's injured, because he's on
18 worker's comp. Because in any of those
19 instances -- or whether he's getting
20 General Municipal Law Section 207
21 coverage. In any of those instances, the
22 important factor is he gets his full
23 salary.

24 Minimally, he gets his full salary,
25 and any insurance to cover any medical

Proceedings

9

1 expenses connected with his injuries. And
2 under better circumstances; he gets his
3 full salary and some of the fringe
4 benefits that go along with it.

5 The conduct here, is basically
6 three-fold. That he failed to give notice
7 to the Department of the need to leave his
8 home during a time he was sick or injured
9 and during his regular tour. Something
10 that's relatively common in police. If
11 you ever have spoken, have relatives --
12 I'm not asking you to be on the record;
13 but, they almost all say, when they're out
14 sick or out injured, they have to be home
15 during the tour they are regularly
16 scheduled to work.

17 This case is about that. It's also
18 about when he was caught not having given
19 the notice and having left his residence.
20 Giving some false and misleading
21 information to a detective who had gone
22 there to investigate his whereabouts.

23 Finally; it's about
24 insubordination. Since; he had previously
25 been told that he couldn't leave his

1 residence without getting the clearance to
2 do so by the Department, one of the
3 reasons that he admits to having left the
4 residence was to get food.

5 He even was even told specifically
6 by the lieutenant, that was not a
7 legitimate reason to leave during his
8 regularly scheduled tour.

9 There will be some issues about,
10 and you'll see from the charges when they
11 go into evidence that, he's alleged to
12 have violated many things. The general
13 order that governs sick leave policies and
14 procedures. Various provisions of the
15 rules and regulations of the Department.
16 And, independent of both of those
17 allegations; he's also alleged to have
18 violated general principals that are
19 covered by Section 5711-q of the General
20 Municipal Law; which governs police
21 departments in the County of Westchester;
22 Village Police Departments.

23 Acts of delinquency that seriously
24 effect general character; misconduct and
25 disobedience. Those are three of the

1 factors mentioned in 5711-q.

2 We will show that he did this. He
3 had done this before. Having been
4 disciplined before for doing precisely the
5 same thing. Given the fact that he had
6 accepted discipline for this previously,
7 and given the fact; in a relatively short
8 period of time he committed the same act,
9 we submit that he should be discharged for
10 these offenses. Thank you.

11 MAYOR MARVIN: Mr. Lovett; would
12 you like to make your opening statement?

13 MR. LOVETT: Certainly; I didn't
14 want to interrupt my adversary's
15 statement. I am loathe to do that. But,
16 I think that within the four corners of
17 the charges and now, in connection with
18 the opening statement; we've already got
19 reversible error.

20 Putting in evidence that are making
21 allegations that my client was previously
22 convicted, before there is a determination
23 as to guilt or innocence, in this case is
24 reversible. But; it's in the case and so
25 be it.

1 In the grand scheme of things, you
2 take a look at all the charges and
3 specifications; it still amounts to
4 precious little. I say that because,
5 while Mr. O'Neil asked for termination of
6 employment; assuming hypothetically, he
7 can prove everything that is set forth in
8 the charges.

9 This is not a termination case
10 under the case law. The premiss for the
11 charges in a large part relates to a sick
12 leave policy which is; at best ambiguous
13 on it's face. I think that whether the
14 Board does or not subsequently; a court
15 will find that the fleeting reference to
16 injured in the sick leave policy, was not
17 meant by anybody to be job disability,
18 where the person is covered under 207C of
19 the General Municipal Law. Police, fire
20 fighters and corrections officers all have
21 special benefits under the General
22 Municipal Law. Police and correction
23 officers under 207C, and firefighters
24 under 207A.

25 And, the current state of the law

1 simply is, if you're job injured you have
2 an entitlement to those benefits, and
3 during the course of time you are
4 receiving the benefits you get full
5 salary, no withholding. That's one
6 category of disability.

7 If you look at the rule and
8 regulational procedure the Village is
9 operating on in this case, talks primarily
10 about sickness with respect, to injury. I
11 think anyone familiar with 207C and the
12 world of police and job related
13 disabilities, will readily draw a
14 distinction between what's referenced in
15 the sick policy; which is, you have a
16 cold, you have bronchitis, you fell and
17 injured your knee, you broke your pinky.

18 As opposed to a third category;
19 which is what we ought to be dealing with
20 here, is disability under 207C of the
21 General Municipal Law.

22 My client; for years, based on a
23 writing from the Chief of Police had 207C
24 status continuously, and as such without
25 warping and straining the sick leave

1 policy; which Mr. O'Neil is going to have
2 to do; that does not include my client's
3 circumstance. There is no provision in
4 the police department that has ever
5 forbade anyone out on 207C, job disabled,
6 from leaving their house during their
7 supposed tour of duty.

8 So; we're about to involve
9 ourselves in what is going be a needless
10 waste of your time and the tax payer's
11 money. The real issue here -- I rather
12 doubt that I will be allowed to introduce
13 evidence on that only because of past
14 experience.

15 The real issue; it seems it me, is
16 what my client has done over the years and
17 why he's being targeted for all of the
18 specifications which almost -- which come
19 from the same very teeny nucleus of facts
20 as to him being out of his residence on a
21 particular day at a particular time; for
22 either an automobile related issue or for
23 buying a slice of pizza.

24 I think the reason he is honored to
25 be charged as he is; is because he is

1 disliked and is being treated differently
2 than others for a number of reasons. One,
3 he has repeatedly expressed his concern
4 over his tenure as a police officer that
5 the police department is systemically
6 discriminating based on gender.

7 You don't have, you never had a
8 single female police officer in the
9 history of the Village of Bronxville. He
10 has expressed; repeatedly his concern that
11 the Village Police Department has a racial
12 bias. You do not have, nor ever had a
13 Hispanic member of the police department.
14 He has repeatedly expressed his concern
15 intradepartmentally about racial bias
16 because for years, you have one token
17 black officer and now you have two token
18 blacks.

19 He has expressed his concern that
20 the Chief of Police and his immediate
21 subordinates in the past, have put the
22 public health and safety at risk by
23 sending Officer Kempkes out on patrol in a
24 car where they knew he was disabled and
25 couldn't possibly intercede if somebody

1 were in the act of committing a robbery,
2 or a burglary or a rape. He expressed
3 concern that, that was putting people at
4 risk and other officers at risk. They
5 didn't care. They left him out in the
6 police car; as well. He expressed concern
7 that the Chief of Police had provided a
8 bed or a cot for a police Sergeant who was
9 so drugged up on prescription medication
10 that he's allowed to sleep while on desk
11 duty and get paid full salary.

12 He's expressed concern that the
13 fellow involved in this Lieutenant
14 Satriale, has A; submitted a false police
15 report, which is a Class A misdemeanor to
16 this department. And, B; has endangered
17 the welfare of a minor, taking an
18 underaged youth drinking with him at a
19 local bar.

20 In short; it's his expressions of
21 concern that have gotten him in trouble.
22 Another thing about which he expressed
23 concern about, would be what is commonly
24 referred to as DWH and DWB. Driving while
25 Hispanic and driving while Black.

1 The statistics of the police
2 department will overwhelmingly show that
3 lower class Hispanics, lower class Blacks
4 are routinely stopped and summoned, where
5 White residents of the Village don't get
6 any summons, even if they are stopped.

7 The same carries through with
8 respect, to criminal prosecutions. If
9 you're Black you get prosecuted for less
10 significant things than Whites who happen
11 to be well-connected and wealthy in
12 Bronxville; who are not prosecuted at all.

13 That's his background. I think
14 it's fair to you, you ought to know where
15 we're coming from on that. I think you
16 should disregard entirely what Mr. O'Neil
17 said about the prior conviction.
18 Although; I think the cat is out of the
19 bag. As they say; don't pay attention to
20 the pink elephant that just ran in front
21 of you. That just imbeds it more deeply
22 in your minds.

23 It is ultimately a case of
24 pettiness; assuming it were legal to
25 proffer these charges. I believe it's not

1 for a number of constitutional reasons.
2 Assuming it were legal, this is a gigantic
3 tempest in a gigantic tea pot. It's a
4 waste of time and money. Members of the
5 force, police department have done serious
6 things including a commission of crimes
7 with impunity including; Lieutenant
8 Satriale being a participant in the
9 beating in a bar of an individual by
10 another cop. Who was criminally
11 prosecuted and Satriale walked free.
12 Another matter about which my client
13 expressed concern.

14 So; you're not dealing in a vacuum.
15 And, I think when we get done you ought to
16 believe that the sick rule at issue
17 primarily in this case has absolutely no
18 applicability to my client. I ask that
19 you make a determination of not guilty and
20 dismiss the charges. Thank you.

21 MR. O'REILLY: Is there anyone that
22 either gentleman intend to call as
23 witnesses other than the Police Chief and
24 Officer Kempkes?

25 MR. LOVETT: Possibly, the PBA

Proceedings

19

1 president, he's entitled to be here.

2 MR. O'REILLY: How is that?

3 MR. LOVETT: Because he is the PBA
4 president.

5 MR. O'REILLY: The PBA is not a
6 party to this.

7 MR. LOVETT: The PBA represents my
8 client and he's entitled to be present.

9 MR. O'NEIL: My question is whether
10 Mr. Lovett represents the client or
11 whether the PBA represents the client.
12 Frankly my experience with most unions is
13 that you bring in outside counsel. If Mr.
14 Lovett is in the union, it's usually off
15 the hook in that regard. That's my
16 experience. I don't know what the issue
17 is here with the PBA.

18 MR. LOVETT: While that may be your
19 experience you're wrong. I represent my
20 client as an attorney. And, the PBA
21 president is here to support him as the
22 PBA president, since he is a member of the
23 PBA. So; to exclude him would be yet
24 another error. He may not even testify.
25 It's another tempest in a tea pot brewing.

Officer Kempes - Direct

20

1 MR. O'REILLY: Just to be clear,
2 are you here representing the PBA?

3 MR. LOVETT: No.

4 MR. O'REILLY: Thank you.

5 MAYOR MARVIN: Let's caucus.

6 (Whereupon, a short recess was
7 taken by all parties.)

8 MAYOR MARVIN: Our determination
9 is; since the PBA is not party to this,
10 Mr. Lovett, you have stated for the record
11 you are not representing the PBA; we need
12 to and must treat the PBA president like
13 any other potential witness. We would ask
14 the president to go out to the hall with
15 the other witness.

16 MR. LOVETT: I can't even do that.
17 I might not call him as a witness if you
18 put us in that position, so; he can stay.

19 MAYOR MARVIN: For the record;
20 there is no intention to call him as a
21 witness; therefore he can stay as a member
22 of the public.

23 MAYOR MARVIN: Then we start; Mr.
24 O'Neil.

25 MR. O'NEIL: We call Officer

Direct - Officer Thomas Kempkes

21

1 Kempkes.

2 P. O. T H O M A S K E M P K E S, the Respondent
3 in this case, having been first duly sworn by Wanda
4 J. Sepulveda, a Notary Public of the State of New
5 York, was examined and testified as follows:

6 DIRECT EXAMINATION BY MR. O'NEIL:

7 Q Please state your name and address
8 for the record.

9 A Police Officer Thomas Kempkes,
10 Shield number 40, 200 Pondfield Road, Bronxville,
11 New York, 10709.

12 Q Officer Kempkes; by whom are you
13 employed?

14 MR. LOVETT: Objection; I don't
15 even know the charges in evidence. How
16 can you proceed without any charges?

17 MR. O'NEIL: I was going to have
18 him identify them, since he was served
19 with them. Do you want to put them in as
20 a joint exhibit?

21 MR. LOVETT: I don't want to put
22 them in as a joint exhibit. I have to get
23 somebody to identify who signed this.

24 MR. O'NEIL: I'm not sure we have
25 to do that. I'm still asking him the

Direct - Officer Thomas Kempkes

22

1 question, over his objection. I can ask
2 him by whom he is employed.

3 MAYOR MARVIN: Overruled.

4 A Village of Bronxville.

5 Q In what capacity?

6 A Police officer.

7 Q How long have you held that
8 position?

9 A Since 1992.

10 MR. O'NEIL: I'd like to mark this
11 for identification.

12 (Whereupon, an eleven page document
13 was received and marked as Department
14 Exhibit 1 for identification, as of this
15 date.)

16 Q Officer Kempkes; I'm going to ask
17 you whether you can identify that document for us.
18 Have you ever seen it before?

19 (Whereupon, the witness peruses a
20 document.)

21 A Excluding the front page; yes.

22 Q You never saw the front page
23 before?

24 A Yes; I have seen it.

25 Q Was that served upon you?

Direct - Officer Thomas Kempkes

23

1 A Yes.

2 Q Who served that upon you?

3 A Chief Downey.

4 MR. O'NEIL: I'd like to move that
5 be received in evidence.

6 MR. LOVETT: No evidence of who
7 signed or when it was signed. Jump over
8 the canyon -- someone is going to hit the
9 bottom. You need a minimal foundation. I
10 suspect what happened is; Counsel forgot
11 to move this into evidence before hand.
12 He's trying to recover himself because
13 he's got a witness on the stand who is
14 incompetent to identify who signed
15 whatever.

16 MR. O'NEIL: I didn't ask him who
17 signed it. I asked if he was ever served
18 this. He said, he has been. There are
19 other witness we are going to call along
20 the way; who will be able to say that they
21 are the ones who signed it.

22 I think he can identify it. He's
23 competent to identify it. And he also
24 testified now, that he's been served with
25 it.

Direct - Officer Thomas Kempkes

24

1 MR. LOVETT: He testified to that.
2 But; you have no foundation. While I love
3 having errors made early on in the
4 proceedings, you don't even have the
5 charges in evidence, there's a problem.
6 We're supposed to go through the hearing,
7 and later on; maybe there's a witness who
8 lays a competent foundation for these to
9 go in. I think it's backward; but, if
10 that's the way Mr. O'Neil wants to proceed
11 I'll follow him.

12 MR. O'REILLY: Officer Kempkes;
13 could you take a look at the documents.
14 It's eleven pages. Have you seen --

15 MR. LOVETT: Object to your
16 questioning him. You're the Board's
17 attorney. You assuming the role of
18 prosecutor and that too; is reversible --

19 MR. O'REILLY: I'm just asking for
20 clarification for the record, so; the
21 Board can make an informed decision.

22 MR. LOVETT: The Board can't make
23 an informed decision without a competent
24 foundation that hasn't been laid.

25 MR. O'NEIL: With all due respect;

Direct - Officer Thomas Kempkes

25

1 I don't think you need any foundation for
2 this document. The document speaks for
3 itself. He's indicated he has been served
4 with it. If there's anyone on this Board
5 who is confused about what it is; they can
6 ask that question. It would appear to be
7 charges.

8 MAYOR MARVIN: Mr. O'Neil; please
9 continue.

10 MR. O'REILLY: We need to make a
11 ruling.

12 Officer Kempkes; have you seen this
13 before; all eleven pages. Is that
14 correct?

15 MR. LOVETT: Objection to you
16 interceding as if you were the prosecutor.
17 Tonight you are not in that role.

18 MR. O'REILLY: I'm aware of that --

19 MR. LOVETT: -- I asked for
20 foundation --

21 MAYOR MARVIN: Officer Kempkes;
22 have you seen all eleven pages?

23 MR. LOVETT: -- Excuse me, you try
24 to make a record that -- Mr. O' Reilly;
25 that is my objections.

Direct - Officer Thomas Kempkes

26

1 MR. O'REILLY: So noted; Officer
2 Kempkes please answer.

3 (Whereupon, the witness peruses
4 documents.)

5 A Yes; I have.

6 MR. O'REILLY: This is the eleven
7 page document that you received from --

8 MR. LOVETT: Objection to you
9 interceding --

10 MR. O'REILLY: We understand you
11 have a standing objection --

12 MR. LOVETT: I don't have a
13 standing objection.

14 MR. O'REILLY: From whom did you
15 received these documents, Officer Kempkes?

16 MR. LOVETT: Same objection.

17 MR. O'REILLY: So noted; your
18 answer please?

19 A From the Chief.

20 MAYOR MARVIN: I will admit this
21 into evidence. Eleven page document;
22 Officer Kempkes receive from the Chief of
23 Police.

24 MR. LOVETT: I take exception to
25 that. With all due respect to you as

Direct - Officer Thomas Kempkes

27

1 Mayor, you are not the majority of the
2 Board. And, you can not unilaterally act
3 in a proceeding like this. It's got to be
4 by a majority of the Board; as with any
5 decision in connection with the
6 administration of this proceeding.

7 MAYOR MARVIN: I spoke earlier; as
8 far as administrative proceedings that I;
9 as Mayor can make them --

10 MR. LOVETT: I understand what you
11 said, but that ain't the law. So; you can
12 make whatever you want in the way of
13 ruling at your own risk. I don't care.
14 I'm just taking exception, making a
15 record.

16 MR. O'REILLY: Is there any member
17 of the Board who disagrees with the
18 Mayor's ruling, no.

19 MAYOR MARVIN: We'll go forward.

20 MR. LOVETT: One member of the
21 Board said no.

22 MAYOR MARVIN: Let's poll the
23 Board.

24 MR. UNDERHILL: I agree.

25 MS. POORMAN: I agree with the

Direct - Officer Thomas Kempkes

28

1 Mayor.

2 MR. BELLITTO: I agree; as well.

3 MR. BARTON: I agree.

4 MAYOR MARVIN: Thank you.

5 MR. O'REILLY: For the record;

6 Department Exhibit 1 is admitted into
7 evidence for the purposes of this hearing.

8 (Whereupon, Department Exhibit 1
9 previously marked for identification was
10 received in evidence.)

11 MR. O'NEIL: I would ask that this
12 be marked as Department Exhibit 2.

13 (Whereupon, a Rules and Regulations
14 document was received and marked as
15 Department Exhibit 2 for identification,
16 as of this date.)

17 Q Officer Kempkes; you have been
18 handed a document marked for identification as
19 Department Exhibit 2; and ask that you take a look
20 at that. Can you identify that for us; please?

21 (Whereupon, the witness peruses a
22 document.)

23 MR. LOVETT: I'd like to note for
24 the record; there is no page thirteen or
25 page thirteen is out of order. The

Direct - Officer Thomas Kempkes

29

1 document may have been scrambled up.

2 MAYOR MARVIN: I don't have a
3 thirteen, either.

4 MR. O'NEIL: The original of the
5 document is not paginated. The pages
6 you're making reference to are faxed pages
7 along the top. If you look where there
8 would be a page thirteen; it goes from
9 article three to article four. We believe
10 there are no missing pages.

11 MAYOR MARVIN: Just missed numbers;
12 not a missing page.

13 MR. LOVETT: It should all be the
14 same copy.

15 MR. O'NEIL: We'll double check.

16 MR. LOVETT: The page I have,
17 thirteen followed by page twenty-seven.
18 And page twenty-seven is article ten, and
19 page thirteen is also part of ten. The
20 page may have come through wrong on the
21 fax. The sequence -- perhaps it's
22 accurate.

23 MR. O'NEIL: If you want to look at
24 the Chief's copy, you can. It would
25 appear what you said is true. He went

Direct - Officer Thomas Kempkes

30

1 through the pages. Article ten was the
2 thirteenth page, and it was out of order.
3 We believe they go consecutively as they
4 are stapled together now.

5 MR. LOVETT: Well; since you simply
6 expressed a belief. I don't know how much
7 predicate my client is supposed to
8 identify a document which was
9 misassembled, numbered incorrectly and now
10 you have a belief that the pages are
11 correct.

12 MR. O'NEIL: Please don't represent
13 this as being misassembled by anyone. We
14 indicated that the page numbers that are a
15 product of the fax should be ignored.
16 Follow the article numbers. The document
17 is not paginated.

18 MR. LOVETT: Following the article
19 numbers doesn't tell us if something has
20 been omitted. Maybe the article starts on
21 one page and concluded on another page
22 that is missing.

23 MR. BARTON: Check the table of
24 contents; if it says something. It does
25 not go beyond Section 3.10.

Direct - Officer Thomas Kempkes

31

1 MR. O'REILLY: Officer Kempkes,
2 when you've had an opportunity to review
3 that; please answer the question.

4 A It appears to be the rules and
5 regulations of the department.

6 Q Have you seen them prior to
7 tonight?

8 A Yes; I have.

9 Q When were they first in your
10 possession, since you have been a police officer?

11 A It was sometime in 1992.

12 MR. O'NEIL: I'd like to move that
13 this be received into evidence; at this
14 time.

15 MR. LOVETT: Over my objection.

16 MAYOR MARVIN: We will put this
17 into evidence.

18 MR. LOVETT: I take exception to
19 the Mayor's unilateral rule.

20 MR. O'REILLY: Members of the
21 Board; will you please express your view
22 as to whether you agree with the Mayor?

23 MR. UNDERHILL: I agree.

24 MR. BELLITTO: I agree.

25 MS. POORMAN: I agree.

Direct - Officer Thomas Kempkes

32

1 MR. BARTON: I agree.

2 MR. O'REILLY: Department Exhibit 2
3 is now in evidence.

4 (Whereupon, Department Exhibit 2
5 previously marked for identification was
6 received in evidence.)

7 Q Officer Kempkes; I'm going to draw
8 your attention to the date of July the 6th, 2006.
9 Do you know whether you were scheduled to work that
10 day?

11 A I believe I was.

12 Q Did you actually show up for work
13 that day?

14 A No.

15 Q Why not?

16 A Because I sustained a work related
17 injury. I had been out.

18 Q Do you know what tour you were
19 scheduled to work that day?

20 A I believe it was Tour two.

21 Q What hours does Tour two cover?

22 A 8:00 a.m. to 4:00 p.m.

23 Q Prior to 8:00 a.m., did you make
24 any contact with the police department?

25 A No.

Direct - Officer Thomas Kempkes

33

1 MR. O'NEIL: I ask the reporter to
2 mark these two documents as Department
3 Exhibit 3A and B.

4 3A being the document that is
5 marked policy and procedure. And B, being
6 the document that is entitled Written
7 Directive Distribution List.

8 (Whereupon, a Policy and Procedure
9 and a Written Directive Distribution List
10 was received and marked as Department
11 Exhibit 3A and 3B for identification, as
12 of this date.)

13 Q Officer Kempkes; I'm going to ask
14 you to look at the document that's been marked as
15 Department 3A. I'm going to ask you to ignore the
16 bottom of the page that says; attachment 1. This
17 was part of a larger document.

18 I'm going to ask you to also look
19 at the document that's been marked for
20 identification as Department 3B. I'm going to ask
21 you to take a look at them.

22 (Whereupon, the witness peruses a
23 document.)

24 A Yes.

25 Q On Exhibitf 3B; does your

Direct - Officer Thomas Kempkes

34

1 signature, initials appear anywhere on there?

2 A Yes; it does.

3 Q Is it next to where the typed named
4 is of P. O. Kempkes?

5 A Yes.

6 Q Did you sign and date that on, or
7 about the date that's indicated there?
8 (Indicating).

9 A Yes.

10 Q Can you read the date; just because
11 your copy is better than the Board's. What is the
12 date written next to your name?

13 A 3/10/99.

14 Q You, in fact; wrote that date when
15 you signed it?

16 A Yes.

17 Q Can you tell us, the circumstances
18 under which you came to sign that document?

19 A Not exactly.

20 Q Can you identify the Exhibit 3A;
21 tell us what that is?

22 A It says; sick leave.

23 Q Did you ever receive that?

24 MR. LOVETT: You mean; prior to
25 tonight before you handed it to him?

Direct - Officer Thomas Kempkes

35

1 MR. O'NEIL: Yes.

2 A I'm not sure if this copy was given
3 to me.

4 Q Department Exhibit 3B; do you see
5 up in the right-hand corner where it says, rules
6 and regulations, sick leave policy. Do you see
7 that? (Indicating).

8 A Where it says procedure number?

9 Q Right-hand corner, where it says,
10 rules and regulations; 3B.

11 A Yes.

12 Q When you signed that document in
13 March 10, 1999, do you remember what you were
14 signing for?

15 A For the sick leave policy.

16 Q Do you recognize 3A as the sick
17 leave policy that was given to you; at that time?

18 A This one; no. (Indicating).

19 Q You're saying; it isn't it, or you
20 don't remember?

21 A The date that I signed it on, the
22 tenth, it says, revision on the eleventh.

23 Q Your testimony is, that is not the
24 procedure?

25 MR. LOVETT: Asked and answered.

Direct - Officer Thomas Kempkes

36

1 MR. O'NEIL: He didn't answer my
2 question.

3 MAYOR MARVIN: Overruled. Poll the
4 Board members.

5 (Whereupon, the Board was polled.)

6 MAYOR MARVIN: Overruled. Thank
7 you.

8 A I signed for a sick policy. I
9 don't know if I signed for this one. After I
10 signed it, this was revised. (Indicating).

11 MR. LOVETT: When he said this one,
12 he was indicating 3A for ID in his left
13 hand.

14 Q Do you have, in your possession the
15 sick leave policy and procedure that you signed
16 for; at that time?

17 A My personal copy?

18 Q Yes.

19 A No.

20 Q Did you throw it away?

21 A I'm not sure where it is.

22 Q When was the last time you looked
23 for it?

24 A I don't know.

25 Q Do you remember the contents of the

Direct - Officer Thomas Kempkes

37

1 policy you signed for?

2 A No.

3 Q Do you remember whether item A6 was
4 in the policy that you signed for?

5 MR. LOVETT: The document is not in
6 evidence. He really shouldn't be
7 referring to it's contents.

8 MR. O'NEIL: I'm trying to refresh
9 his recollection.

10 MR. LOVETT: You're reading from a
11 document that's not in evidence. I'm
12 referring to the substance of the content.
13 I have an objection. May I get a ruling.

14 MAYOR MARVIN: My proposed ruling;
15 is overrule. Poll of the Board.

16 MR. BARTON: I thought this was
17 submitted as evidence; you're saying it's
18 not.

19 MAYOR MARVIN: It was identified.

20 MR. LOVETT: The record should
21 reflect; that every time the Mayor
22 articulates a ruling, it's just after Mr.
23 O'Reilly whispers to her -- there's a
24 causal relationship between every ruling,
25 in which she's being told by Counsel for

Direct - Officer Thomas Kempkes

38

1 the Board.

2 MR. O'REILLY: I'm not going to
3 comment on that.

4 MR. LOVETT: I have a comment,
5 you're telling them what to do.

6 MR. O'REILLY: Whatever you want to
7 speculate on Mr. Lovett, I guess you can
8 clutter the record. But; we're not going
9 to comment on what we are saying to the
10 Board.

11 MR. LOVETT: I'm just noting a
12 miraculous coincidence that every time you
13 whisper to the Mayor, she makes a ruling
14 against me. And, the Board is polled and
15 they side with her.

16 MR. O'REILLY: Then; let the record
17 note that Officer Kempkes has been
18 subtlety consulting with Counsel during
19 the course of his testimony --

20 MR. LOVETT: That's false --

21 MR. O'REILLY: It is visible for
22 all --

23 MR. LOVETT: Don't interrupt me.

24 MR. O'REILLY: No one is
25 interrupting you --

Direct - Officer Thomas Kempkes

39

1 MR. LOVETT: Cut that -- keep it
2 quiet while I'm talking. Don't get into
3 your routine of being noisy. He asked me
4 a question. I said, I can't talk to you
5 when your being questioned.

6 MR. O'REILLY: I don't know what
7 you said to him. I'm just pointing out;
8 as you were pointing out for the record,
9 that Officer Kempkes has been speaking
10 with you during the course of his
11 testimony. That's all I've said. Let's
12 take a caucus.

13 (Whereupon, a short recess was
14 taken by all parties.)

15 MAYOR MARVIN: We're back from
16 caucus; I have polled the Board, and the
17 objection is overruled.

18 Q Do you remember whether item A6 was
19 in the policy that you signed for?

20 A I'm not sure.

21 MR. O'NEIL: I would like to have
22 these marked as Department 4 for
23 identification.

24 (Whereupon, a department document
25 was received and marked as Department

Direct - Officer Thomas Kempkes

40

1 Exhibit 4 for identification, as of this
2 date.)

3 Q Officer Kempkes; please take a look
4 at what's been marked for identification as
5 Department Exhibit 4. And, I refer you
6 specifically to the first, whereas clause. Where
7 there is mention of the department sick leave
8 policy and procedure?

9 (Whereupon, the witness peruses a
10 document.)

11 Q Do you see that reference?

12 A Yes.

13 Q I also ask you to look at the third
14 page of that document?

15 (Whereupon, the witness peruses a
16 document.)

17 Q Is that a copy of your signature?

18 A Yes; it is.

19 Q Did you sign that, and enter that
20 date on, or about August 5, 2003?

21 A Yes.

22 Q You were represented by counsel; at
23 that time?

24 A Yes; I was.

25 Q In fact; in the first whereas

Direct - Officer Thomas Kempkes

41

1 clause, were you advised that the Village was
2 prepared to file disciplinary charges against you
3 based on an incident of May 9th, where you violated
4 the police department's sick leave policy and
5 procedure?

6 MR. LOVETT: Objection for the same
7 reason I articulated earlier. This
8 document and the question pertaining to
9 it, are reversible error. You can't get
10 into prior conviction for anything before
11 you determine innocence or guilt on the
12 pending charge.

13 Aside from which as Mr. O'Neil
14 probably recognizes; what's memorialized
15 in 4 for ID is based on a completely false
16 factual predicate, because at the time
17 this document was --

18 MR. O'NEIL: -- if you're going to
19 lead the witness, I'm going to ask that
20 the witness be excused.

21 MR. LOVETT: I'm not leading the
22 witness.

23 MR. O'NEIL: I'm going to object,
24 if you're going to make a long --

25 MR. LOVETT: You can't shut me up

Direct - Officer Thomas Kempkes

42

1 with your hand --

2 MR. O'NEIL: I ask that the witness
3 be removed.

4 MR. LOVETT: There's no reason. I
5 want the Chief of Police removed out of
6 the room too. You don't like the idea.

7 MR. O'NEIL: Stop. I just don't
8 want him giving the witness information
9 during his objection.

10 MR. LOVETT: Unfortunately for you;
11 I prepared my client, long before you ever
12 started questioning him. I don't have to
13 tell him anything. You really want to
14 play that game, have him stand out in the
15 hall. Let the Mayor poll the Board, if
16 the Board wants to have him stand in the
17 hallway, then fine. I think that it's
18 ridiculous. And, I object to your
19 objection.

20 MAYOR MARVIN: I will propose that
21 the Chief; as well as Officer Kempkes step
22 out in the hall while Mr. Lovett
23 articulates his objection.

24 MR. LOVETT: May I ask that you
25 direct that they stay a distance from each

Direct - Officer Thomas Kempkes

43

1 other out in the hall?

2 MAYOR MARVIN: Certainly; I need to
3 poll the Board.

4 (Whereupon, the Board was polled.)

5 MAYOR MARVIN: Agreed, thank you.
6 They have now left the room.

7 MR. LOVETT: At the time this
8 document, 4 for ID was drafted and signed,
9 any client had been and for years was
10 denied 207C status -- disability. And
11 these references in 4 for ID are premised
12 upon the same mistake of fact that the
13 instant charges are based on, and that is,
14 that my client is subject to a sick leave
15 policy.

16 And, in fact; the Chief
17 acknowledged in writing, long prior to the
18 date of 4 for ID; to date my client is on
19 207C job disability status. Not only is
20 the document totally misleading as a
21 matter of fact; it's impermissible in
22 evidence as a matter of law. Because,
23 it's prejudicial, and it goes to prior
24 supposed misconduct being introduced at a
25 hearing before you've ever made any

Direct - Officer Thomas Kempkes

44

1 finding as to the pending charges. If
2 that's what Mr. O'Reilly wants; over my
3 objection.

4 MR. O'NEIL: You got to get the O's
5 right. First of all, there's no question
6 that these charges would be admissible as
7 to penalty. Given the fact that they
8 involve; from our position, the exact same
9 violation that occurred under these
10 charges. I'm not aware of any cases that
11 require bifurcated hearings.

12 That you have to first have a
13 hearing that goes to the merit of this
14 charge. Then reconvene and have a
15 separate hearing on the penalty. I've
16 never encountered that kind of hearing.
17 At least; not a police disciplinary.

18 Secondly; there has been an
19 allegation that these don't apply to him.
20 Certainly it's relevant whether or not; he
21 understood them to apply to him.

22 Whether or not; the Board will make
23 a determination -- it did cover these
24 kinds of injuries. Because, he took a
25 very severe penalty in lieu of being

Direct - Officer Thomas Kempkes

45

1 brought up on charges back in 2003, for
2 precisely the same incident. If his
3 confusion is, that they didn't cover him
4 -- and Mr. Lovett is going to argue, and
5 he can argue anything he pleases; but he's
6 going to argue that these didn't apply to
7 him. Whoever his attorney was back then,
8 that he made a mistake. And, he pled
9 guilty -- I'm sorry, should have accepted
10 the penalty back then.

11 I think it certainly is relevant to
12 his understanding as to what policy and
13 procedure applied to him, staying at home
14 at that time, whatever the reason.
15 Frankly; I don't believe the reason was
16 any different in 2003. I think he will
17 testify to that, that it was in 2006. He
18 was staying home for the same reason. I
19 believe it was an on the job injury.

20 If you look at the policy marked
21 for identification; the purpose is to
22 establish uniform procedures for reporting
23 sick and follow up actions when members
24 become sick or injured. Sick or injured.

25 We submit that he understood that

Direct - Officer Thomas Kempkes

46

1 this policy applied to him then. It would
2 appear; at least from what we believe we
3 will be able to prove through a different
4 witness; that these were developed by the
5 Chief on a four to twelve tour, given to
6 people on a midnight tour. That's why the
7 dates -- you notice the dates. It was
8 signed by for people on the 10th, other
9 people on the 11th. Developed it on the
10 four to twelve tour, signed it on his way
11 off. He dated it the 10th also. And, the
12 other people signed it on the 11th.

13 I think that the document, he
14 should be able to use this document to
15 refresh his recollection, and see if the
16 document he took this penalty for in 2003,
17 is precisely the same document that we
18 have in front of him now. Or minimally;
19 the provision A6 is what he was alleged to
20 have violated back in 2003, and alleged to
21 have violated now.

22 MR. LOVETT: I'm not suggesting
23 that whoever represented my now client in
24 2003 was mistaken. The person mistaken
25 was the Chief of Police, who illegally

Direct - Officer Thomas Kempkes

47

1 denied my client 207C status. And, he
2 rectified that in 2006 retroactive to
3 2002.

4 My point is, that putting evidence
5 at this point of a prior supposed
6 conviction which is factually misleading,
7 at best, compromises the integrity of this
8 entire proceeding. In any event; you
9 should be aware, since the witnesses are
10 not in the room, that under paragraph
11 three in Exhibit 4 for ID; the scheduling
12 of time by way of penalty had to be
13 completed by February 28, 2004. Unless
14 there was a writing extending the time
15 frame.

16 The Chief of Police after February
17 28, 2004, with no written extension took
18 time from my client. And, that is what we
19 commonly refer to as a deprivation of
20 property without due process. That's a
21 federal civil rights violation. If that's
22 where you want to go, over my objection go
23 there.

24 MR. O'NEIL: Just so it's clear on
25 the record, this is not a conviction.

Direct - Officer Thomas Kempkes

48

1 It's a settlement of potential charges
2 that he voluntarily entered into.

3 MR. LOVETT: And the taking of
4 property; that is time being money, when
5 there was no authority to do it. And, it
6 was precluded by the written agreement.

7 MR. O'REILLY: We have your
8 observations for the record. The Board
9 will caucus now.

10 (Whereupon, a short recess was
11 taken by all parties.)

12 MAYOR MARVIN: By polling the Board
13 the objection was overruled. The document
14 will be admitted into evidence. It will
15 be given the appropriate weight at the
16 conclusion of the hearing.

17 (Whereupon, Department Exhibit 4,
18 previously marked for identification was
19 received in evidence.)

20 MR. LOVETT: At this time; I'm
21 requesting a bifurcated hearing. Just so
22 we're clear on that, the first phase of
23 this proceeding with respect, to innocence
24 or guilt. If you find guilt, I want a
25 separate hearing as to punishment.

Direct - Officer Thomas Kempkes

49

1 MR. O'NEIL: I think given the
2 nature of the proceeding, I think it would
3 be unduly burdensome on everyone. More
4 importantly, this document goes to one of
5 the main issues that's involved --

6 MR. O'REILLY: Mr. O'Neil, if
7 you're going to be articulating and
8 speaking objections, we will have to again
9 ask the witnesses to leave. Officer
10 Kempkes; thank you.

11 (Whereupon, the witness leaves the
12 room.)

13 MR. O'REILLY: Mr. O'Neil, please
14 speak to Mr. Lovett's application for
15 bifurcation.

16 MR. O'NEIL: The reason I'm
17 objecting to bifurcation, is that this
18 document is relevant to their defense that
19 they've already articulated in opening
20 statements that this procedure doesn't
21 apply to staying at home for an on the job
22 injury.

23 He settled a charge exactly like
24 that in 2003, by accepting a very severe
25 penalty. To now argue three years later

Direct - Officer Thomas Kempkes

50

1 that doesn't apply is somewhat
2 disingenuous.

3 I think it's relevant to issue, as
4 well as penalty. The Board is
5 sophisticated enough to give this document
6 whatever weight its due with regard to
7 that issue. Whatever weight; if any, it
8 should get to the issue of whether or not,
9 he's guilty of these charges. And then,
10 apply, if found guilty on the merit, give
11 it the appropriate weight for the penalty,
12 without having to bifurcate the hearing.

13 This is not a jury trial. It's a
14 elected governmental body with counsel who
15 can be spoken to with regard to the weight
16 that's to be given.

17 MR. LOVETT: I'm not talking about
18 burdening this Board. I'm talking about
19 my client's right to due process. If due
20 process is too burdensome; fine. I object
21 to that. I'm not in charge of the
22 hearing.

23 MR. O'NEIL: If I can add one
24 thing; with regard to this proceeding and
25 prior to today, there's a number of cases

Direct - Officer Thomas Kempkes

51

1 involving disciplinary action where prior
2 convictions, prior findings of misconduct
3 were admitted during the course of the
4 proceeding. And, it was clear that they
5 were admitted for penalty purposes. They
6 weren't done in the midst of bifurcation.
7 They were done during the course of the
8 entire proceeding.

9 I'm unaware of any case that
10 requires you to bifurcate this type of
11 hearing.

12 MR. LOVETT: The introduction of a
13 prior conviction; particularly where it
14 supposedly relates to the same issue
15 presented in the now pending charge is
16 reversible error. And, there are plenty
17 of Appellate Division rulings that say
18 that.

19 The course has been charted by Mr.
20 O'Neil, and unfortunately we can't
21 un-navigate it. I made my objections, and
22 you're going to do what you're going to
23 do.

24 MAYOR MARVIN: I propose that
25 bifurcation be denied. I would poll the

Direct - Officer Thomas Kempkes

52

1 Board.

2 (Whereupon, the Board is polled.)

3 MR. LOVETT: Let the record
4 reflect; that just before the Mayor made
5 that ruling, Mr. O' Reilly whispered to
6 her. And, I trust that there's a causal
7 connection in the timing and the ruling
8 and what Counsel said.

9 MR. O'REILLY: Your speculation is
10 so noted.

11 Please ask the witness to come in.

12 MR. O'NEIL: I'm going to move that
13 Department 3B be received in evidence; at
14 this time.

15 MR. LOVETT: I have no objection to
16 that.

17 MAYOR MARVIN: So, admitted then.

18 (Whereupon, Department Exhibit 3B
19 previously marked for identification was
20 received in evidence.)

21 Q Officer Kempkes; the Police
22 Department sick leave policy and procedure that you
23 addressed in Department Exhibit 4, in the
24 settlement of that matter; is that the same sick
25 leave policy and procedure which you have in front

Direct - Officer Thomas Kempkes

53

1 of you as Department Exhibit 3A?

2 A I'm not sure.

3 Q When you settled that case back in
4 2003; did you then have a sick leave policy and
5 procedure?

6 A I don't recall; at this time.

7 Q Do you remember whether you looked
8 at one? Settlement in a disciplinary -- did you
9 think it was important to look at one to refresh
10 your recollection?

11 MR. LOVETT: Two questions in one.
12 It's also asked and answered.

13 MAYOR MARVIN: Can you rephrase.

14 Q Who was your counsel in 2003?

15 A It was Chris Harold.

16 Q Was he also the PBA lawyer; at that
17 time?

18 A Yes.

19 Q Do you know whether he is currently
20 the PBA lawyer?

21 A I think so.

22 Q Before you signed this settlement
23 agreement, you had discussions with him about the
24 potential charges against you?

25 MR. LOVETT: Answering that

Direct - Officer Thomas Kempkes

54

1 question would require disclosing anything
2 you and counsel then discussed, including
3 the subject just referenced by Mr. O'Neil.
4 I'm directing you not to answer.

5 MR. O'NEIL: I'm not asking what
6 was said. I asking whether --

7 MR. LOVETT: You're asking about a
8 particular subject, that he spoke about
9 with his then, counsel. He's not
10 answering it.

11 MR. O'NEIL: I asked, before he
12 signed this settlement agreement, if he
13 had discussions with him about the
14 potential charges against him. Whether
15 that topic was discussed.

16 MR. LOVETT: He's not answering
17 that question. That is privileged, and
18 you know better.

19 MR. O'NEIL: I don't agree with
20 you.

21 MR. LOVETT: He's not answering.
22 He's not waiving any attorney client
23 privilege.

24 Q The allegations that were made by
25 the Department against you back in 2003; do you

Direct - Officer Thomas Kempkes

55

1 recall what they were?

2 A Exactly; no.

3 Q Not exactly; the sum and substance,
4 do you recall what they were?

5 A Violating the policy.

6 Q Do you remember which policy? Read
7 the agreement, see if it refreshes your
8 recollection.

9 MR. LOVETT: He was about to answer
10 your question. I'd request that he be
11 allowed to answer the question. He
12 started to answer when Mr. O'Neil cut him
13 off.

14 (Whereupon, the witness peruses a
15 document.)

16 A It was for the sick leave policy.

17 Q What about the sick leave policy?

18 A I'm not understanding your
19 question.

20 Q What are you alleged to have done
21 that prompted the department to prepare
22 disciplinary charges against you?

23 MR. LOVETT: Objection, that calls
24 for the operation of the third party's
25 mind; even though the Police Department

Direct - Officer Thomas Kempkes

56

1 can't have a mind because it's not a
2 person. It's purely speculative. I
3 object, because it's just compounding the
4 damage done by even making reference to
5 exhibit 4 in evidence. Much less; 4 for
6 ID.

7 MAYOR MARVIN: I propose to sustain
8 that objection. Board members?

9 (Whereupon the Board was polled.)

10 MAYOR MARVIN: Sustained.

11 Q Was there any investigation
12 conducted with regard to your conduct prior to your
13 entering into this agreement?

14 MR. LOVETT: Objection, there is no
15 foundation. How does he know. If he
16 knows there was fine, ask him what he
17 knows. But you don't have a foundation
18 that there ever was an investigation of
19 any kind.

20 MAYOR MARVIN: I propose to sustain
21 that objection. Board members?

22 (Whereupon the Board was polled).

23 MAYOR MARVIN: Agree.

24 Q Were you questioned about any of
25 your conduct prior to entering into this agreement

Direct - Officer Thomas Kempkes

57

1 by representatives of the department?

2 A Yes.

3 Q Who?

4 A Lieutenant Ambersino.

5 Q What conduct did he question you
6 about; at that time?

7 A About not being home during the
8 tour of duty.

9 Q At that time; why weren't you
10 reporting to work?

11 A I'm not sure what you mean.

12 Q Referring you to paragraph one, the
13 date of May 9, 2003. Do you remember whether you
14 went to work on that date?

15 MR. LOVETT: Same objection with
16 respect, to the compounding of the problem
17 by referring to this document.

18 MAYOR MARVIN: I propose to
19 overrule that objection. Board members?
20 (Whereupon the Board was polled).

21 MAYOR MARVIN: Agreed.

22 A Can you ask the question again.

23 Q Did Lieutenant Ambersino question
24 you with regard to your whereabouts on May 9, 2003?

25 A He questioned me on that day; no.

Direct - Officer Thomas Kempkes

58

1 Q Did he question you on May 9, 2003?

2 A Is that what your question is?

3 Q It is now. Did he question you on
4 May 9, 2003?

5 A No.

6 Q You didn't go to work on May 9,
7 2003; correct?

8 A Right.

9 Q There came a time when he did
10 question you about what you did on May 9, 2003;
11 correct?

12 A Yes.

13 Q What did you do on May 9, 2003?

14 A I wasn't home.

15 Q Where were you?

16 A I went away.

17 Q Where did you go?

18 A Saratoga.

19 Q Did you call in that morning?

20 A No.

21 Q When you were questioned about
22 being in Saratoga on May 9, 2003; were you shown
23 the department's sick leave policy and procedure?

24 MR. LOVETT: Answering that
25 question would require you to disclose

Direct - Officer Thomas Kempkes

60

1 compound question that followed it.

2 MAYOR MARVIN: Can you rephrase the
3 question; please.

4 MR. O'NEIL: I can't; with all due
5 respect. I don't find it an objectionable
6 question.

7 Q You met with Lieutenant Ambersino
8 sometime after May 9, 2003; correct?

9 A Yes.

10 Q During the course of your
11 conversation; Lieutenant Ambersino spoke with you
12 about your whereabouts on May 9, 2003; correct?

13 A Yes.

14 Q During that conversation with
15 Lieutenant Ambersino with regard to your
16 whereabouts on May 9, 2003; did he show you a
17 document that was entitled sick leave policy and
18 procedure?

19 A He may have; but I don't recall.

20 Q Did you look at the sick leave
21 policy and procedure that was in effect for May 9,
22 2003; any time prior to your meeting with
23 Lieutenant Ambersino?

24 A I don't recall that right now. I
25 may have, but I'm not sure.

Direct - Officer Thomas Kempkes

61

1 Q When Lieutenant Ambersino
2 questioned you, did you know what the questioning
3 was in reference to?

4 A Yes.

5 Q Did that refresh your recollection
6 that you knew you would be questioned about this;
7 maybe you might have looked at the policy and
8 procedure before you went into the meeting?

9 A Before I went; I don't remember.

10 Q Do you remember where the meeting
11 took place?

12 A Yes.

13 Q Where?

14 A In Lieutenant Ambersino's office.

15 Q Who was there beside yourself and
16 Lieutenant Ambersino?

17 A The attorney.

18 Q Who?

19 A Chris Harold.

20 Q You remember where the meeting took
21 place; correct?

22 MR. LOVETT: He just answered that.
23 In the Lieutenant's office.

24 Q You remember who was there;
25 correct?

Direct - Officer Thomas Kempkes

62

1 MR. LOVETT: He just answered that,
2 too.

3 Q But, you don't remember whether you
4 saw, during that meeting the department sick leave
5 policy and procedure that you are alleged to have
6 violated?

7 MR. LOVETT: Asked and answered two
8 times. This would be a third.

9 MAYOR MARVIN: If that was an
10 objection I propose to overrule that
11 objection. Board members?

12 (Whereupon the Board was polled.)

13 MAYOR MARVIN: Overruled.

14 MR. O'NEIL: May I have the
15 question read back?

16 (Whereupon, the last question was
17 read back by the reporter.)

18 MR. LOVETT: That wasn't the
19 question.

20 MR: O'REILLY: Your comment is
21 noted. Could you just ask another
22 question, Mr. O'Neil?

23 Q Do you remember whether you saw
24 during that meeting, the department sick leave
25 policy and procedure that you were alleged to have

Direct - Officer Thomas Kempkes

63

1 violated?

2 A No.

3 Q When you signed Department Exhibit
4 3B; do you have a recollection that you were given
5 a sick leave policy and procedure?

6 A I'm sure I was.

7 Q Do you remember it?

8 A They're kept next to the desk. You
9 sign it, you take it.

10 Q That is what you did on March 10,
11 1999; is that correct?

12 A Yes.

13 Q How long did you keep that policy
14 and procedure?

15 A I'm not sure.

16 Q You don't have it anymore?

17 A I might.

18 Q Can I ask; if we have a second
19 hearing; which appears very likely, you can look
20 and see if you still have that in your possession?

21 MR. LOVETT: He has no obligation
22 to do homework for Counsel.

23 Q Did you ever receive another sick
24 leave policy and procedure from the department;
25 other than the one you signed for on March 10,

Direct - Officer Thomas Kempkes

64

1 1999?

2 A I may have. I'm not sure.

3 Q Do you remember getting another
4 one?

5 A Not at this time; no.

6 Q During your meeting with Lieutenant
7 Ambersino, do you remember admitting to him that
8 you did have a copy of the sick leave policy and
9 procedure; at that time?

10 A I'm not sure.

11 Q Independent of admitting it to
12 Lieutenant Ambersino; do you remember whether you
13 did have a sick leave policy and procedure, when
14 you met with him about these allegations about you
15 being in Saratoga when you were sick?

16 MR. LOVETT: Objection as to form.
17 You got a declaratory statement. And, you
18 have a question attached to it.

19 MAYOR MARVIN: Would you rephrase;
20 please.

21 Q In, or about August, 2003; do you
22 remember if you had in your possession; at that
23 time, a sick leave policy and procedure from the
24 police department?

25 A I may have.

Direct - Officer Thomas Kempkes

65

1 Q You don't remember?

2 A Not directly; no.

3 Q Are you required to keep in your
4 possession the department's policy and procedures?

5 A In my possession; no.

6 Q You believe you can just throw them
7 away?

8 A They're maintained at the police
9 desk.

10 Q You were given a policy and
11 procedure on March 10th, 1999; correct?

12 A Correct.

13 MR. LOVETT: Asked and answered
14 three times.

15 MR. O'NEIL: His memory is bad --

16 MR. LOVETT: -- you can't
17 articulate a proper question, you don't
18 get an answer. Don't accuse my client of
19 memory failure.

20 MR. O'NEIL: There's a lot of I
21 don't remember. I'm trying to refresh his
22 recollection.

23 MR. LOVETT: You're doing a poor
24 job. I object to him asking the same
25 thing three times.

Direct - Officer Thomas Kempkes

66

1 MAYOR MARVIN: I propose we
2 overrule the objection.

3 (Whereupon, the Board was polled.)

4 MAYOR MARVIN: Overruled.

5 Q Was there a policy given to you on
6 March 10, 1999?

7 A Yes.

8 Q How long did you maintain that
9 policy?

10 A I still may have it; I don't know.

11 Q Did you ever get a different policy
12 from the department other than the one that was
13 given to you on March the 10th?

14 MR. LOVETT: Objection, asked and
15 answered.

16 MAYOR MARVIN: I'll propose to
17 sustain that objection.

18 (Whereupon, the Board was polled.)

19 MAYOR MARVIN: Sustained.

20 MR. O'NEIL: Is that because it's
21 repetitive. You understand the answer to
22 be he never got another policy, or he
23 doesn't remember?

24 MAYOR MARVIN: He doesn't remember
25 if he has another policy.

Direct - Officer Thomas Kempkes

67

1 Q Did you meet with Lieutenant
2 Satriale with regard to the charges that we're
3 involved with right now?

4 MR. LOVETT: We're involved with
5 two sets. Disciplinary charges that are
6 in evidence, or the charges that are
7 referenced in Department 4.

8 MR. O'NEIL: We're not involved in
9 charges in Department 4. They are three
10 years old.

11 Q Did you meet with the Lieutenant
12 Satriale with regard to the charges that are in
13 evidence as Department Exhibit 1?

14 A Yes.

15 Q Were you shown any sick leave
16 policy and procedure during what meeting?

17 A Not that I recall.

18 Q When -- at this time, during your
19 meeting with Lieutenant Satriale; were you directed
20 to comply with the department sick leave policy and
21 procedures?

22 MR. LOVETT: Can I have that
23 question read back, with the false starts?

24 MR. O'REILLY: Off the record;
25 please.

Direct - Officer Thomas Kempkes

68

1 (Whereupon, a short recess was
2 taken by all parties.)

3 MAYOR MARVIN: Mr. O'Neil.

4 Q Officer Kempkes; at the end of your
5 meeting with Lieutenant Satriale, did he give you
6 any directives with regard to your conduct; how you
7 should conduct yourself following that meeting?

8 MR. LOVETT: Objection, compound.

9 MAYOR MARVIN: Rephrase that, for
10 me.

11 Q At the completion of your meeting
12 with Lieutenant Satriale, did he give you any
13 directions as to how you should conduct yourself?

14 A In what manner?

15 Q With regard to staying home?

16 MR. LOVETT: Objection as to the
17 form. The question is in regard to
18 staying home. Not a question.

19 MAYOR MARVIN: I propose we
20 overrule that objection.

21 (Whereupon, the Board was polled.)

22 MAYOR MARVIN: Overruled.

23 A I don't recall.

24 Q Do you remember him saying, you
25 should comply with the department sick leave policy

Direct - Officer Thomas Kempkes

69

1 and procedure?

2 A I don't recall.

3 Q On July 6, 2006, where did you
4 reside?

5 MR. LOVETT: Could I ask that the
6 address not be part of the record. I've
7 never been at a hearing where the home
8 address was put into the record.

9 MR. O'NEIL: I have no problem with
10 you redacting it from the transcript. His
11 address is relevant to visits to his home.

12 If he can say it, and then when the
13 transcript is prepared, there can be an
14 indication that the parties stipulated his
15 home address would not appear in the
16 transcript.

17 And then when we have the testimony
18 of subsequent witnesses that say that they
19 visited him at this address; we can do the
20 same thing. So; it doesn't appear in the
21 transcript. I don't have any problem with
22 that.

23 MR. LOVETT: It would be easier if
24 we agreed that his answer to your question
25 instead of being an address, simply be; at

Direct - Officer Thomas Kempkes

70

1 my home. Any other witness you have --
2 visit Officer Kempkes, home, yes.

3 MR. O'NEIL: He has a number of
4 residences.

5 MR. O'REILLY: Can we give a town?

6 MR. O'NEIL: For purposes of the
7 testimony given by the witness that's
8 related to the residence he has in
9 Eastchester -- can we stipulate he has
10 only one residence in Eastchester. Can we
11 stipulate that?

12 MR. LOVETT: That is true; okay.
13 Let's refer to it as his residence in
14 Eastchester. Any other witness may be
15 asked if they visited his residence in
16 Eastchester; that's fine.

17 MR. O'REILLY: Off the record;
18 please.

19 (Whereupon, an off the record
20 discussion took place.)

21 Q On July 6, 2006; did you have
22 telephone service at your Eastchester residence?

23 A Yes.

24 Q Did you have an answering machine
25 on your phone?

Direct - Officer Thomas Kempkes

71

1 A Yes.

2 Q Did you also have a cell phone; at
3 that time?

4 A Yes.

5 Q On July 6, 2006; what time did you
6 leave your home?

7 A In the morning.

8 Q Approximately; what time?

9 A It was early morning.

10 Q Before 8:00 a.m.?

11 A Give or take.

12 Q What time did you return to your
13 home on July 6, 2006?

14 A Just around lunch time.

15 Q Around 1:00 p.m.?

16 A Yeah.

17 Q Between the time you left your
18 Eastchester home, and you returned to your
19 Eastchester home, did you access your messages on
20 your home telephone?

21 A No.

22 Q Did you receive any messages on
23 your cell phone during that period of time from the
24 Bronxville Police Department?

25 No.

Direct - Officer Thomas Kempkes

72

1 Q Did you check for messages on your
2 cell phone during that period of time?

3 A No.

4 Q Did you call the Bronxville Police
5 Department on July 6, 2006, before you left your
6 home?

7 MR. LOVETT: Asked and answered.

8 MAYOR MARVIN: I propose to
9 overrule that objection.

10 (Whereupon, the Board was polled.)

11 MAYOR MARVIN: Overruled.

12 Q Did you call the Bronxville Police
13 Department before you left your home on July 6,
14 2006?

15 A No.

16 Q Did you call them; at any time
17 prior to 1:00 p.m. on July 6, 2006?

18 MR. LOVETT: Objection to them.

19 MR. O'NEIL: The Bronxville Police
20 Department; if you didn't understand.

21 MR. LOVETT: Objection as to form.
22 It's compound.

23 MAYOR MARVIN: Mr. O'Neil, just
24 rephrase.

25 MR. O'NEIL: I'm confused. I don't

Direct - Officer Thomas Kempkes

73

1 believe that's a compound question. It's
2 only one question.

3 Q On July 6, 2006; did you call the
4 Bronxville Police Department; at any time between
5 8:00 a.m. and 1:00 p.m.?

6 A Not that I recall.

7 Q Can you tell us, where you were
8 between the hours of 8:00 a.m. and 1:00 p.m. on
9 July 6, 2006?

10 A In Eastchester, in Mount Vernon.

11 Q What were you doing?

12 A I had breakfast. I stopped by my
13 friend's place of business to talk to him. I went
14 by another friend's place. Drove my car around.
15 Went to another friend's. And, then I went to the
16 car dealership to bring my car in because I was
17 having issues with my car. And, I got a slice of
18 pizza and went home.

19 Q Did you notify the police
20 department upon your return to home that day?

21 A Yes.

22 Q How did that come about?

23 A On the telephone.

24 Q Why did you call them; at that
25 time?

Direct - Officer Thomas Kempkes

74

1 A Because Detective Gallow was in my
2 driveway, said the department wanted me to call.

3 Q Who did you call?

4 A The desk officer.

5 Q Do you remember, who that was?

6 A I think it was Sergeant Mitchell.

7 Q When you came upon Detective
8 Gallow, when you came home; do you recall having
9 any conversation with him?

10 A Yes.

11 Q Do you recall what he asked you?

12 A Not exactly; no.

13 Q Do you remember, in sum and
14 substance, what he asked you upon your return to
15 the house on July 6, 2006?

16 A I don't recall; at this time.

17 Q You don't recall any of the
18 questions he asked you?

19 A I remember him asking where I was.

20 Q That's all you remember him asking
21 you?

22 A Yes.

23 Q Did you respond to him?

24 A Yes.

25 Q Detective Gallow; you say, told you

Direct - Officer Thomas Kempkes

75

1 to call the department?

2 MR. LOVETT: Objection, asked and
3 answered.

4 MAYOR MARVIN: I propose, objection
5 overruled.

6 MR. BARTON: I disagree.

7 MS. POORMAN: I agree.

8 MR. BELLITTO: I agree.

9 MR. UNDERHILL: I disagree. I
10 heard the answer.

11 MAYOR MARVIN: Okay.

12 MR. O'REILLY: Officer Kempkes,
13 please answer the question.

14 (Whereupon, the last question was
15 read back by the reporter.)

16 A Yes.

17 Q Do you remember your conversation
18 with Sergeant Mitchell?

19 A I know I spoke to him.

20 Q Do you remember any of the
21 conversation with Sergeant Mitchell?

22 A I don't recall; at this time.

23 Q You don't recall any of it?

24 A No.

25 Q Did you go to the police department

Direct - Officer Thomas Kempkes

76

1 at all that day?

2 A Yes.

3 Q Following your conversation with
4 Sergeant Mitchell, did you go the police
5 department?

6 A Yes.

7 Q Does that help refresh your
8 recollection, that Sergeant Mitchell had told you
9 to come to the police department for any reason?

10 A Yes.

11 Q Do you remember that now?

12 A If I went there he told me to come
13 so; yeah.

14 Q I don't want you guessing your
15 answer.

16 Do you remember him telling you to
17 come to the police department on July 6, 2006?

18 A Yes.

19 Q When you arrived at the police
20 department; what if anything occurred?

21 A I don't recall.

22 Q Did you meet with anybody when you
23 got to the police department on July 6, 2006?

24 A I think it was Lieutenant Satriale.

25 Q What do you remember about that

Direct - Officer Thomas Kempkes

77

1 meeting?

2 A I don't really recall the meeting;
3 at this time.

4 Q Was there anyone with you during
5 that meeting beside Lieutenant Satriale?

6 A Not that I recall; at this time.

7 Q Was there a union representative
8 there at that meeting?

9 A On the day I was supposed to be
10 home?

11 Q Correct.

12 A I don't recall the day that meeting
13 was on. I can't really answer that question. When
14 I was at my meeting with him, there was a union rep
15 there. I'm not sure what day the meeting was on.

16 Q Do you recall going to the police
17 department on July 6, 2006; and having a meeting
18 with Lieutenant Satriale which you requested union
19 representation?

20 MR. LOVETT: Objection as to the
21 form. Do you recall is improper.

22 Are MAYOR MARVIN: I propose that
23 we overrule that objection.

24 (Whereupon, the Board was polled.)

25 MAYOR MARVIN: Overruled.

Direct - Officer Thomas Kempkes

78

1 A I'm not sure what date we had the
2 meeting. When I had my meeting there was a union
3 rep present.

4 Q Did you have two meetings with
5 Lieutenant Satriale?

6 A Yes.

7 Q Was the first on July 6, 2006?

8 A I believe so.

9 Q Do you remember now, whether you
10 asked for union representation at the first meeting
11 on July 6, 2006?

12 A Yes; I did.

13 Q Did you reschedule the meeting
14 after you asked for union representation?

15 A Yes.

16 Q Do you remember the date on which
17 the second meeting was scheduled?

18 A No.

19 Q Do you recall; if it was the next
20 day?

21 A I don't recall; at this time.

22 Q The second meeting you had with
23 Lieutenant Satriale; who else was present, if
24 anyone?

25 A The PBA president.

Direct - Officer Thomas Kempkes

79

1 Q Who was that?

2 A Joseph Panzarino.

3 Q During that meeting; can you tell
4 us what you remember occurring?

5 A I was questioned by the lieutenant.

6 Q About what?

7 A About not being home.

8 Q On what date?

9 A July 6.

10 Q What did he ask you?

11 A I'm not sure.

12 Q Did he ask you, what did you do
13 that day?

14 A I don't recall; at this time.

15 Q Do you remember telling him the
16 places you went on July 6, 2006?

17 A Yes.

18 Q Did you tell Detective Gallow the
19 places you went on July 6, 2006; when you met with
20 him on that date?

21 A I remember telling him I went to
22 drop my car off at Audi and get a slice of pizza.

23 Q That's all you told Detective
24 Gallow; correct?

25 A I'm sure we had a conversation.

1 Q With regard to where you had been;
2 isn't that all you told Detective Gallow, that you
3 went for pizza and you bought your car; correct?

4 A Yes; he said, where are you coming
5 from. I said, I got a slice of pizza and dropped
6 my car off at the dealership.

7 Q When you spoke to Lieutenant
8 Satriale on July 7th, you told him other places you
9 the been on July 6th; correct?

10 A Yes.

11 Q Prior to that withdrawn -- one of
12 the things you -- withdrawn - when you met
13 Detective -- I'm sorry. When you met with Sergeant
14 -- um, Lieutenant Satriale on July 7th, did you
15 tell him that you had met some of your friends on
16 July 6th?

17 MR. LOVETT: May I have that back,
18 with all the false starts?

19 MR. O'NEIL: I'll withdraw the
20 question.

21 Q When you met with Lieutenant
22 Satriale on July 7th; did you indicate to him that
23 you had met anyone to eat?

24 MR. LOVETT: I don't think there's
25 any evidence the second meeting occurred

Direct - Officer Thomas Kempkes

81

1 on July 7th.

2 Q Do you remember whether the meeting
3 with Lieutenant Satriale took place the next day?

4 MR. LOVETT: Asked and answered.

5 MAYOR MARVIN: Overruled.

6 MR. LOVETT: You just said; Mr.
7 O'Reilly, overrule. I heard you this
8 time.

9 MR. O'REILLY: I don't know what
10 you heard, Mr. Lovett.

11 MR. LOVETT: I heard you say
12 overrule to the Mayor.

13 MR. O'REILLY: I don't know what
14 you heard, Mr. Lovett.

15 MAYOR MARVIN: I don't recall him
16 answering that, so; I have to say
17 overrule. If the Board heard, let's poll
18 them all. Mr. Barton?

19 (Whereupon, the Board was polled.)

20 MAYOR MARVIN: Overruled.

21 MR. LOVETT: May I have the Mayor's
22 statement read back please?

23 MAYOR MARVIN: This is being
24 recorded, the record will speak for
25 itself.

Direct - Officer Thomas Kempkes

82

1 MR. O'REILLY: Off the record.

2 (Whereupon, a short recess was
3 taken by all parties.)

4 MR. O'REILLY: Officer Kempkes;
5 please answer the question.

6 Q Do you remember whether the meeting
7 with Lieutenant Satriale took place the next day?

8 A I don't recall.

9 Q When you met with Lieutenant
10 Satriale for the second time; did you indicate to
11 him that on July 6, one of your activities was
12 eating with some of your friends?

13 A With one of my friends.

14 Q Who was that?

15 A Giovanni Pordale.

16 Q Prior to that date, being July 6,
17 2006; had you had any prior conversations with
18 lieutenant Satriale about whether or not; you could
19 leave home while you are out on injury leave to
20 eat?

21 A No.

22 Q You don't recall having a
23 conversation with him on November the 5th?

24 A About sick time, not injury time.

25 Q What was the conversation you had

Direct - Officer Thomas Kempkes

83

1 with him about sick time and eating?

2 A I presently don't recall.

3 Q But, you did a couple of seconds
4 ago?

5 A Verbatim, I don't recall; no.

6 Q Not verbatim, just sum and
7 substance of the conversation about leaving your
8 home to eat when you're scheduled to work and are
9 not working?

10 A I don't recall that date but; yes,
11 he made a comment about that.

12 Q What did he tell you?

13 A Not to leave the house.

14 Q When you met with Lieutenant
15 Satriale for the second time; did you indicate to
16 him that you believed you could leave the house?

17 A Yes.

18 Q Did you tell him why you thought
19 that?

20 A Yes.

21 Q What did you tell him?

22 A I'm on 207C status.

23 Q That meant that you could leave the
24 house when you were out injured; correct?

25 A I'm disabled; not injured.

Direct - Officer Thomas Kempkes

84

1 Q Okay, I'm sorry. What did you say,
2 what did you tell him?

3 A I'm on 207C status.

4 Q What do you recall telling
5 Lieutenant Satriale with regard, to your belief
6 that you could leave the house while you were out
7 on some form of leave?

8 A I don't understand your question.

9 Q On July 6, 2006 were you out on
10 207C leave; at that time?

11 A Should I have been on it?

12 Q Had you been granted 207 leave by
13 the Bronxville Police Department; at that time?

14 A No.

15 Q Were you on sick leave; at that
16 time?

17 A They're all called indicated
18 injuries, so; I don't know if that is the same.

19 Q How do you know they are all called
20 indicated injuries?

21 A I have copies of it.

22 Q When was the last time you showed
23 up at work and stayed a full day at the Bronxville
24 Police Department?

25 A February 28, 2005.

Direct - Officer Thomas Kempkes

85

1 Q When is the last time you worked
2 the full day; did you stay the whole day that day?

3 MR. LOVETT: Objection as to form.

4 MR. O'NEIL: I'm sorry.

5 Q On February 28, 2005; did you work
6 the full day?

7 A No.

8 Q When was the last time you worked
9 the full day in the Bronxville Police Department?

10 A I don't recall; at this time.

11 Q Two years ago, three years ago? Do
12 you have any idea?

13 MR. LOVETT: Objection as to form.
14 That's three questions in one. Can I get
15 a ruling.

16 MAYOR MARVIN: I propose the
17 objection is sustained.

18 (Whereupon the Board was polled.)

19 MAYOR MARVIN: Sustained.

20 Q At the second meeting you had with
21 Lieutenant Satriale, did you indicate to him it was
22 your belief that you could leave your residence
23 while you were out on the leave that you had taken
24 on July 6th?

25 MR. LOVETT: Asked and answered.

Direct - Officer Thomas Kempkes

86

1 MAYOR MARVIN: I propose, the
2 objection is overruled.

3 (Whereupon the Board was polled.)

4 MAYOR MARVIN: Overruled.

5 A I believe so; yes.

6 Q Did you also indicate to him, at
7 the second meeting you had with him, that it was
8 your belief that you did not have to call in on
9 July 6, 2006?

10 A I believe so; yes.

11 Q Was the reason you gave him the
12 same for both of your positions?

13 A Yes.

14 Q What was his reaction to that?

15 A I presently don't recall.

16 Q Do you remember him checking the
17 attendance records; at that point in time?

18 A I don't know what he was doing at
19 his desk.

20 Q Do you remember him saying, that
21 you had called in twenty-eight times before leaving
22 home between the period of March, 2005 and January
23 of 2006?

24 A Something to that effect.

25 Q In fact; had you called in before

Direct - Officer Thomas Kempkes

87

1 you left home on some number of occasions before
2 July 6, 2006?

3 A Yes.

4 Q On the occasions that you called
5 in, announcing to the Department that you had a
6 need to leave; did you call in when you returned
7 home on those occasion?

8 A Probably; yes.

9 Q Do you recall the date of the
10 injury that prompted your request to be granted
11 section 207C leave?

12 A Yes.

13 Q What was the date?

14 A September 6th.

15 Q What year?

16 A 2002.

17 Q Do you recall the day on which you
18 actually requested to be placed on Section 207C
19 leave?

20 A No; I don't.

21 Q Did you ever submit a request in
22 writing to be placed on Section 207C leave?

23 A Yes.

24 Q Is that approximately two years
25 after you were first injured?

Direct - Officer Thomas Kempkes

88

1 A I'm not sure.

2 MR. O'NEIL: I'd like to have this
3 marked as Department Exhibit 5 for
4 identification.

5 (Whereupon, a request for 207C was
6 received and marked as Department Exhibit
7 5 for identification, as of this date.)

8 Q Officer Kempkes; please look at the
9 document marked Department Exhibit 5. Do you
10 recognize that document?

11 (Whereupon, the witness peruses a
12 document.)

13 A Yes.

14 Q What is that?

15 A One of the requests for 207C that I
16 submitted.

17 Q Is it your testimony, that there's
18 a prior written request?

19 A Yes.

20 Q Do you have that?

21 A Not currently with me.

22 Q Do you recall, how much sooner than
23 March 30, 2004, you submitted a written request?

24 MR. LOVETT: Objection, the date on
25 a document that's not in evidence. No

Direct - Officer Thomas Kempkes

89

1 foundation for it.

2 MR. O'NEIL: I move that it be
3 received into evidence; at this time.

4 MR. LOVETT: It's irrelevant. I
5 say no.

6 MAYOR MARVIN: Mr. O'Neil, you're
7 requesting this be put into evidence. I
8 propose that the objection is overruled,
9 and it be put into evidence.

10 (Whereupon the Board was polled.)

11 MAYOR MARVIN: It's received into
12 evidence.

13 (Whereupon, Department Exhibit 5
14 previously marked for identification was
15 received in evidence.)

16 Q Do you recall, whether Chief Downey
17 responded to Department Exhibit 5?

18 A Yes; he did.

19 Q In writing?

20 A Yes.

21 MR. O'NEIL: I ask this be marked
22 as Department Exhibit 6.

23 (Whereupon, a department document
24 was received and marked as Department
25 Exhibit 6 for identification, as of this

Direct - Officer Thomas Kempkes

90

1 date.)

2 Q I'm going to show a document that's
3 been marked Department Exhibit 6.

4 Can you identify that document for
5 us?

6 (Whereupon, the witness peruses a
7 document.)

8 A It's a department communication
9 from the Chief.

10 Q Did you receive that?

11 A Yes.

12 Q Absent the underlining; correct?
13 (Indicating).

14 A Correct.

15 MR. O'NEIL: I'd like to move that,
16 that be received into evidence; at this
17 time.

18 MR. LOVETT: I have no objection.

19 MAYOR MARVIN: Admitted into
20 evidence.

21 (Whereupon, Department Exhibit 6
22 previously marked for identification was
23 received in evidence.)

24 Q You testified that you submitted a
25 written request prior to Department Exhibit 5, to

Direct - Officer Thomas Kempkes

91

1 the Chief requesting to be placed on 207C status?

2 A Yes.

3 Q When did you first learn it was
4 your responsibility to file for Section 207C
5 status?

6 A Earlier that year.

7 Q Are you sure of that?

8 A I could be wrong. I have the
9 e-mail request.

10 Q Department Exhibit 5, could have
11 been your first request in writing?

12 A No; it's not.

13 Q Was Department Exhibit 5, the first
14 written request you made to be placed on 207C
15 status, after you learned it was your
16 responsibility to submit a request to be placed on
17 207C status?

18 A Initially; I think you're
19 automatically on 207C status. When I went to file
20 my taxes, I asked Lieutenant Ambersino about how to
21 file for that.

22 He said, you had to request it.
23 I'm pretty sure I requested it to Ambersino, and he
24 forwarded me on to the Chief. That was all in
25 writing.

Direct - Officer Thomas Kempkes

92

1 Q When was that?

2 A I don't recall the exact day. I do
3 have copies.

4 Q It was before this Exhibit 5;
5 correct? (Indicating).

6 A Yes.

7 MR. O'NEIL: If you can just hand
8 the witness Exhibit 5.

9 Q Drawing your attention to the last
10 paragraph of Department Exhibit 5. Did you see
11 that? (Indicating).

12 (Whereupon, the witness peruses a
13 document.)

14 A Yes.

15 Q Had you just learned it was your
16 responsibility to request 207C status, like it says
17 in the letter?

18 A I'm not sure when Lieutenant
19 Ambersino answered me. I would have to look at the
20 e-mails I have at home saved.

21 Q Does this now refresh your
22 recollection, that this is the first written
23 request you made to the Chief, to be placed on 207C
24 status?

25 A To the Chief; yes.

Direct - Officer Thomas Kempkes

93

1 Q Did you challenge the Chief's
2 determination that your submission was untimely in
3 court?

4 A My attorney did.

5 Q Did you ultimately receive a
6 decision from the Court?

7 A Yes.

8 MR. O'NEIL: I ask that this be
9 marked as Department Exhibit 7; please.

10 (Whereupon, a was Department
11 document received and marked as Department
12 Exhibit 7 for identification, as of this
13 date.)

14 Q Officer Kempkes; the document that
15 is in front of you as Department Exhibit 7, is that
16 a copy of the decision with regard to your claim
17 for 207C status?

18 (Whereupon, the witness peruses a
19 document.)

20 A Yes.

21 MR. O'NEIL: I move that, that be
22 received into evidence.

23 MR. LOVETT: No objection.

24 MAYOR MARVIN: Department Exhibit
25 7, now admitted.

Direct - Officer Thomas Kempkes

94

1 (Whereupon, Department Exhibit 7
2 previously marked for identification was
3 received in evidence.)

4 Q Officer Kempkes; I'm going to
5 directing your attention to the next to last page
6 of Department Exhibit 7, and the last three lines.
7 I ask that you read that to yourself; please.

8 (Whereupon, the witness complies.)

9 A Yes.

10 Q Following that decision, did the
11 department make requests of you for certain medical
12 documentation with regard to your condition?

13 A Yes.

14 Q Did they also send you to some
15 doctors to be examined?

16 A Yes.

17 Q Ultimately, was there a
18 determination that you would be placed on 207C
19 status?

20 A Yes.

21 MR. O'NEIL: I ask that his be
22 marked for identification as Department
23 Exhibit 8.

24 (Whereupon, a letter was received
25 and marked as Department Exhibit 8 for

Direct - Officer Thomas Kempkes

95

1 identification, as of this date.)

2 Q I ask you to look at the document
3 that's been marked for identification as Department
4 8, and ask you whether you recognize that document?

5 (Whereupon, the witness peruses a
6 document.)

7 A Yes.

8 Q Did you receive that?

9 A Yes.

10 Q Can you tell us, what it is?

11 A A letter from the Chief.

12 Q With regard to your 207C status;
13 correct?

14 A Correct.

15 MR. O'NEIL: I move that, that be
16 placed in evidence.

17 MR. LOVETT: No objection.

18 MAYOR MARVIN: So admitted.

19 (Whereupon, Department Exhibit 8
20 previously marked for identification was
21 received in evidence.)

22 Q Officer Kempkes; would it be fair
23 to say; that the second meeting you had with
24 Lieutenant Satriale occurred in 2006?

25 A Yes.

Direct - Officer Thomas Kempkes

96

1 Q At the second meeting you had with
2 Lieutenant Satriale in July of 2006; do you
3 remember telling him you decided not to comply with
4 the procedure because you guys never checked on me?

5 A No.

6 Q You said nothing like that; no
7 words to that effect?

8 A Not that I recall; no.

9 Q Not that you recall. You may have
10 said them, you just don't remember?

11 A No.

12 Q You didn't say it?

13 A I don't remember saying it; no.

14 Q But you may have?

15 A Presently; I don't recall.

16 Q I understand that; but does that
17 mean you may have said it?

18 MR. LOVETT: Objection; that's
19 purely speculative.

20 Q Did you definitely not say it?

21 A From what I recall; yes.

22 Q When the incident occurred in 2003;
23 did an officer visit your residence; at that time
24 which was not in Eastchester?

25 A I don't know.

Direct - Officer Thomas Kempkes

97

1 Q What about Detective Gallow; do you
2 remember that?

3 MR. LOVETT: Objection as to form.
4 Gallow is a that.

5 Q In 2003; you entered into
6 Department Exhibit 4; correct?

7 MR. LOVETT: Same objection.

8 MR. O'NEIL: I'm trying to lay a
9 foundation for the question.

10 MR. LOVETT: Same objection.

11 MAYOR MARVIN: I propose to
12 overrule that objection. Mr. Barton?

13 (Whereupon, the Board was polled.)

14 MAYOR MARVIN: Overruled.

15 A Yes.

16 Q That agreement followed an
17 investigation related to you being in Saratoga;
18 correct?

19 MR. LOVETT: Objection, there's no
20 evidence that he was investigated.

21 MAYOR MARVIN: I propose to
22 overrule the objection. Mr. Barton?

23 (Whereupon, the Board was polled.)

24 MAYOR MARVIN: Overruled.

25 A There was a purported

Direct - Officer Thomas Kempkes

98

1 investigation; yes.

2 Q The day at issue; May 9, 2003, did
3 you get a call from Detective Gallow on that date?

4 A Yes.

5 Q Where were you when you got that
6 call?

7 A In my car.

8 Q Where was your car?

9 A Exactly?

10 Q What city, state?

11 A Saratoga.

12 Q Saratoga, New York?

13 A Yes.

14 Q When you received the call from
15 Detective Gallow, what do you remember him saying
16 to you when you first got the call?

17 A I really don't recall the
18 conversation; at this time.

19 Q You don't recall any of it?

20 A No.

21 Q Do you recall asking him to tell
22 the Department he was unable to get to touch with
23 you?

24 A I presently don't recall that.

25 Q What community was your house

Direct - Officer Thomas Kempkes

99

1 located in, in 2003?

2 A Greenburgh.

3 Q Do you remember on May 9, 2003;
4 during that conversation with Detective Gallow,
5 telling him that you were in the house in
6 Greenburgh, upstairs, naked with a companion?

7 A I don't recall that; no.

8 Q Do you recall asking him to do you
9 a favor during that telephone conversation on May
10 9, 2003?

11 A I don't recall that; at this time.

12 Q Do you remember having a
13 conversation?

14 A Vaguely.

15 Q It was with Detective Gallow?

16 A I believe so.

17 Q Do you remember him telling you,
18 that he was at your home in Greenburgh during that
19 conversation?

20 A I don't recall that; at this time.

21 Q Do you remember asking, him if he
22 would tell the Department that you were home at
23 your house at Greenburgh; at that time?

24 A I don't recall that; at this time.

25 Q Do you recall anything about what

Direct - Officer Thomas Kempkes

100

1 conversation at all?

2 A No.

3 MR. O'NEIL: I have no further
4 questions.

5 MAYOR MARVIN: Mr. Lovett?

6 MR. LOVETT: At this time; I'll
7 probablay call my client on our direct
8 case.

9 MR. O'REILLY: You may step down.
10 Off the record please.

11 (Whereupon, an off the record
12 discussion took place.)

13 MR. O'REILLY: For the record; the
14 hearing is adjourned; at this time. We
15 will reconvene on January 4 at 6:30 p.m.,
16 at a location to be announced. We've also
17 picked a hearing date on January 10th at
18 6:30 p.m., and if necessary on February
19 1st, at 6:30 p.m.

20 Is that agreeable?

21 MAYOR MARVIN: Board members?

22 (Whereupon, the Board was polled.)

23 MAYOR MARVIN: Agreed.

24 MR. LOVETT: Agreed.

25 MAYOR MARVIN: A good evening to

Proceedings

101

1 you.

2 (Time noted: 10:15 p.m).

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

B O A R D E X H I B I T S

| EXHIBIT | DESCRIPTION | PG. |
|---------|-------------|--------|
| 1 | Notice | 6 - ID |

D E P A R T M E N T ' S E X H I B I T S

| EXHIBIT | DESCRIPTION | PG. |
|---------|--|---------------------|
| DEP 1 | Police department document - 11 pages | 22 - ID 28 - EVD |
| DEP 2 | Department rules and regulations document | 28 - ID 32 - EVD |
| DEP 3A | Sick leave policy and procedure | 33 - ID |
| DEP 3B | Written directive distribution list | 32 - ID 52 - EVD |

D E P A R T M E N T ' S E X H I B I T S

| EXHIBIT | DESCRIPTION | PG. |
|---------|-------------------------------------|---------------------|
| DEP 4 | Department document settlement | 39 - ID 48 - EVD |
| DEP 5 | Request for 207C | 87 - ID 89 - EVD |
| DEP 6 | Department e-mail communication | 89 - ID 90 - EVD |
| DEP 7 | Copy of decision for 207C status | 93 - ID 93 - EVD |
| DEP 8 | Letter from Chief Downey | 94 - ID 95 - EVD |

C E R T I F I C A T I O N

Certified to be a true and accurate
transcript of the aforesaid proceeding.

A handwritten signature in dark ink, appearing to read "Wanda J. Sepulveda", is written over a horizontal dashed line.

Wanda J. Sepulveda

Proceedings

105

| | | | | |
|--|---|--|---|--|
| <p>1</p> <p>1 - 6:22, 7:1, 22:14, 28:6, 28:8, 33:16, 67:13, 102:4, 102:9 10 - 35:13, 59:17, 63:10, 63:25, 66:6 10523 - 3:7 10530 - 1:24 10605 - 2:7 10709 - 21:11 10:15 - 101:2 10th - 46:8, 46:11, 65:11, 66:13, 100:17 11 - 102:10 111 - 1:24 11530 - 2:14 11th - 46:9, 46:12 13 - 1:8 1399 - 2:13 177 - 1:7 1992 - 22:9, 31:11 1999 - 35:13, 59:17, 63:11, 64:1, 65:11, 66:6 1:00 - 71:15, 72:17, 73:5, 73:8 1st - 100:19</p> | <p>102:14</p> <p>3</p> <p>3.10 - 30:25 3/10/99 - 34:13 30 - 88:23 32 - 102:15, 102:22 33 - 102:18 39 - 103:5 3a - 33:3, 33:4, 33:11, 33:15, 34:20, 35:16, 36:12, 53:1, 102:17 3b - 33:11, 33:20, 33:25, 35:4, 35:10, 52:13, 52:18, 63:4, 102:21</p> <p>4</p> <p>4 - 39:22, 40:1, 40:5, 41:15, 43:8, 43:11, 43:18, 47:11, 48:17, 52:23, 56:5, 67:7, 67:9, 97:6, 100:15, 103:4 40 - 21:10 48 - 103:6 4:00 - 32:22</p> | <p>9</p> <p>9 - 57:13, 57:24, 58:1, 58:4, 58:6, 58:10, 58:13, 58:22, 60:8, 60:12, 60:16, 60:21, 98:2, 99:3, 99:10 90 - 103:13 914 - 1:25 93 - 103:16, 103:17 94 - 103:19 95 - 103:20 9th - 41:3</p> <p>A</p> <p>A6 - 37:3, 39:18, 46:19 able - 23:20, 46:3, 46:14 Absent - 90:12 absolutely - 18:17 accepted - 11:6, 45:9 accepting - 49:24 access - 71:19 accurate - 29:22, 104:5 accuse - 65:18 acknowledged - 43:17 act - 11:8, 16:1, 27:2 action - 51:1 actions - 45:23 activities - 82:11 Acts - 10:23 add - 50:23 address - 21:7, 69:6, 69:8, 69:11, 69:15, 69:19, 69:25 addressed - 52:23 adjoined - 100:14 administration - 27:6 administrative - 27:8 admissible - 44:6 admit - 26:20 admits - 10:3 Admitted - 90:19 admitted - 28:6, 48:14, 51:3, 51:5, 52:17, 93:25, 95:18 admitting - 64:7, 64:11 adversary's - 11:14 advised - 41:1 aforesaid - 104:6 ago - 83:4, 85:11 Agree - 56:23 agree - 27:24, 27:25, 28:2, 28:3, 31:22, 31:23, 31:24, 31:25, 32:1, 54:19, 75:7, 75:8 agreeable - 100:20 Agreed - 43:5, 57:21, 100:23, 100:24 agreed - 69:24 agreement - 48:6, 53:23, 54:12, 55:7, 56:13, 56:25, 97:16 ain't - 27:11 allegation - 44:19 allegations - 10:17, 11:21, 54:24, 64:14 alleged - 10:11,</p> | <p>10:17, 46:19, 46:20, 55:20, 62:5, 62:25 allowed - 14:12, 16:10, 55:11 almost - 9:13, 14:18 Ambersino - 57:4, 57:23, 59:7, 59:21, 60:7, 60:11, 60:15, 60:23, 61:1, 61:16, 64:7, 64:12, 91:20, 91:23, 92:19 Ambersino's - 61:14 ambiguous - 12:12 amounts - 12:3 Anne - 2:22, 4:17 announced - 100:16 announcing - 87:5 answer - 26:2, 26:18, 31:3, 36:1, 54:4, 55:9, 55:11, 55:12, 59:3, 65:18, 66:21, 69:24, 75:10, 75:13, 76:15, 77:13, 82:5 answered - 35:25, 53:12, 61:22, 62:1, 62:7, 65:13, 66:15, 72:7, 75:3, 81:4, 85:25, 92:19 Answering - 53:25, 58:24 answering - 54:10, 54:16, 54:21, 70:24, 81:16 appear - 25:6, 29:25, 34:1, 46:2, 69:15, 69:20 appearance - 5:2 Appellate - 51:17 applicability - 18:18 application - 49:14 applied - 45:13, 46:1 apply - 44:19, 44:21, 45:6, 49:21, 50:1, 50:10 appropriate - 5:24, 48:15, 50:11 argue - 45:4, 45:5, 45:6, 49:25 arise - 6:10 arrived - 76:19 article - 29:9, 29:18, 30:16, 30:18, 30:20 Article - 30:1 articulate - 65:17 articulated - 41:7, 49:19 articulates - 37:22, 42:23 articulating - 49:7 Aside - 41:13 assist - 4:22, 6:18 Associates - 1:23 assuming - 12:6, 17:24, 24:17 Assuming - 18:2 attached - 64:18 attachment - 33:16 attendance - 86:17 attention - 17:19, 32:8, 92:9, 94:5 attorney - 4:21, 5:8, 19:20, 24:17, 45:7, 54:22, 61:17, 93:4 attorneys - 6:24 Attorneys - 2:5, 2:11 Audi - 79:22</p> | <p>August - 1:3, 4:9, 40:20, 64:21 authority - 48:5 automatically - 91:19 automobile - 14:22 Avenue - 1:24, 2:13 aware - 25:18, 44:10, 47:9</p> <p>B</p> <p>background - 17:13 backward - 24:9 bad - 65:15 bag - 17:19 bar - 16:19, 18:9 Barton - 2:21, 4:15, 4:16, 28:3, 30:23, 32:1, 37:16, 75:6, 81:18, 97:12, 97:22 based - 13:22, 15:6, 41:3, 41:15, 43:13 beating - 18:9 become - 45:24 bed - 16:8 belief - 30:6, 30:10, 84:5, 85:22, 86:8 Bellitto - 2:20, 4:18, 28:2, 31:24, 75:8 benefits - 9:4, 12:21, 13:2, 13:4 beside - 61:15, 77:5 best - 12:12, 47:7 better - 9:2, 34:11, 54:18 Between - 71:17 between - 13:14, 37:24, 59:1, 73:4, 73:8, 86:22 beyond - 30:25 bias - 15:12, 15:15 bifurcate - 50:12, 51:10 bifurcated - 44:11, 48:21 bifurcation - 49:15, 49:17, 51:6, 51:25 Black - 16:25, 17:9 black - 15:17 Blacks - 17:3 blacks - 15:18 Bloomingdale - 2:6 board - 4:14 Board - 1:1, 2:18, 3:5, 4:2, 4:4, 4:22, 6:8, 6:11, 6:14, 6:18, 7:3, 7:7, 7:16, 12:14, 24:21, 24:22, 25:4, 27:2, 27:4, 27:17, 27:21, 27:23, 31:21, 36:4, 36:5, 37:15, 38:1, 38:10, 38:14, 39:16, 42:15, 42:16, 43:3, 43:4, 44:22, 48:8, 48:12, 50:4, 50:18, 52:1, 52:2, 56:8, 56:9, 56:21, 56:22, 57:19, 57:20, 62:11, 62:12, 66:3, 66:18, 68:21, 72:10, 77:24, 81:17, 81:19, 85:18, 86:3, 89:10, 97:13, 97:23, 100:21, 100:22 Board's - 24:16, 34:11 boards - 8:7 body - 50:14 Bond - 2:10, 5:7</p> |
| <p>2</p> <p>2 - 28:12, 28:15, 28:19, 32:2, 32:4, 102:13 200 - 21:10 2002 - 47:3, 87:16 2003 - 40:20, 45:1, 45:16, 46:16, 46:20, 46:24, 49:24, 53:4, 53:14, 54:25, 57:13, 57:24, 58:1, 58:4, 58:7, 58:10, 58:13, 58:22, 60:8, 60:12, 60:16, 60:22, 64:21, 96:22, 97:5, 98:2, 99:1, 99:3, 99:10 2004 - 47:13, 47:17, 88:23 2005 - 84:25, 85:5, 86:22 2006 - 1:3, 1:8, 4:9, 6:23, 32:8, 45:17, 47:2, 69:3, 70:21, 71:5, 71:13, 72:5, 72:14, 72:17, 73:3, 73:9, 74:15, 76:17, 76:23, 77:17, 78:7, 78:11, 79:16, 79:19, 82:17, 84:9, 86:9, 86:23, 87:2, 95:24, 96:2 207 - 8:20, 84:12 207a - 12:24 207c - 12:18, 12:23, 13:11, 13:20, 13:23, 14:5, 43:10, 43:19, 47:1, 83:22, 84:3, 84:10, 87:11, 87:18, 87:22, 88:5, 88:15, 91:1, 91:4, 91:14, 91:17, 91:19, 92:16, 92:23, 93:17, 94:18, 95:12, 103:8, 103:16 21 - 1:3, 4:9 22 - 102:10 222 - 2:6 26 - 6:23 28 - 47:13, 47:17, 84:25, 85:5, 102:11,</p> | <p>5</p> <p>5 - 40:20, 88:3, 88:7, 88:9, 89:13, 89:17, 90:25, 91:10, 91:13, 92:4, 92:8, 92:10, 103:8 52 - 102:23 570 - 3:6 5711-q - 4:7, 10:19, 11:1 5th - 82:23</p> <p>6</p> <p>6 - 69:3, 70:21, 71:5, 71:13, 72:5, 72:13, 72:17, 73:3, 73:9, 74:15, 76:17, 76:23, 77:17, 78:7, 78:11, 79:9, 79:16, 79:19, 82:11, 82:16, 84:9, 86:9, 87:2, 89:22, 89:25, 90:3, 90:21, 102:4, 103:11 684-0201 - 1:25 6:30 - 1:9, 100:15, 100:18, 100:19 6th - 32:8, 80:9, 80:16, 85:24, 87:14</p> <p>7</p> <p>7 - 93:9, 93:12, 93:15, 93:25, 94:1, 94:6, 103:15 7th - 80:8, 80:14, 80:22, 81:1</p> <p>8</p> <p>8 - 94:23, 94:25, 95:4, 95:19, 103:19 87 - 103:8 89 - 103:9, 103:12 8:00 - 32:22, 32:23, 71:10, 73:5, 73:8</p> | | | |

| | | | | |
|--|--|--|---|---|
| <p>bottom - 23:9, 33:16 bought - 80:3 breakfast - 73:12 brewing - 19:25 Brian - 5:5 bring - 19:13, 73:16 broke - 13:17 bronchitis - 13:16 Bronxville - 1:1, 1:8, 2:11, 4:3, 15:9, 17:12, 21:10, 22:4, 71:24, 72:4, 72:12, 72:19, 73:4, 84:13, 84:23, 85:9 brought - 45:1 burdening - 50:18 burdensome - 49:3, 50:20 burglary - 16:2 business - 73:13 buying - 14:23</p> | <p>Chief - 5:5, 7:7, 13:23, 15:20, 16:7, 18:23, 23:3, 26:19, 26:22, 42:5, 42:21, 43:16, 46:5, 46:25, 47:16, 89:16, 90:9, 91:1, 91:24, 92:23, 92:25, 95:11, 103:19 Chief's - 29:24, 93:1 Chris - 53:15, 61:19 Christopher - 2:16, 5:9 circumstance - 14:3 circumstances - 9:2, 34:17 city - 98:10 City - 2:14 civil - 47:21 Claim - 6:25 claim - 59:11, 93:16 clarification - 24:20 Class - 16:15 class - 17:3 clause - 40:6, 41:1 clear - 20:1, 47:24, 48:22, 51:4 clearance - 10:1 client - 11:21, 13:22, 14:16, 18:12, 18:18, 19:8, 19:10, 19:11, 19:20, 30:7, 42:11, 43:9, 43:14, 43:18, 46:23, 47:1, 47:18, 54:22, 65:18, 100:7 client's - 14:2, 50:19 clue - 59:18 clutter - 38:8 coincidence - 38:12 cold - 13:16 coming - 8:14, 8:16, 17:15, 80:4 comment - 38:3, 38:4, 38:9, 62:20, 83:11 commission - 18:6 commissioners - 8:10 Commissioners - 1:1, 2:18, 4:4, 4:23 committed - 11:8 committing - 16:1 common - 9:10 commonly - 16:23, 47:19 communication - 90:8, 103:12 communications - 59:1 community - 98:25 comp - 8:18 companion - 99:6 competent - 23:23, 24:8, 24:23 completed - 47:13 completely - 41:15 completion - 68:11 complies - 94:8 comply - 67:20, 68:25, 96:3 compound - 60:1, 68:8, 72:22, 73:1 compounding - 56:3, 57:16 compromises - 47:7 concern - 15:3, 15:10, 15:14, 15:19,</p> | <p>16:3, 16:6, 16:12, 16:21, 16:23, 18:13 concerns - 4:8 concluded - 30:21 conclusion - 48:16 condition - 94:12 conduct - 9:5, 56:12, 56:25, 57:5, 68:6, 68:7, 68:13 conducted - 6:15, 56:12 conducting - 4:5 confused - 25:5, 72:25 confusion - 45:3 connected - 9:1, 17:11 connection - 11:17, 27:5, 52:7 consecutively - 30:3 constitutional - 18:1 consulting - 38:18 contact - 32:24 content - 37:12 contents - 30:24, 36:25, 37:7 continue - 25:9 continuing - 5:14 continuously - 13:24 convenes - 4:3 conversation - 60:11, 60:14, 74:9, 75:17, 75:21, 76:3, 79:25, 82:23, 82:25, 83:7, 98:18, 99:4, 99:9, 99:13, 99:19, 100:1 conversations - 6:1, 82:17 convicted - 11:22 conviction - 17:17, 41:10, 47:6, 47:25, 51:13 convictions - 51:2 cop - 18:10 copies - 84:21, 92:3 Copy - 103:15 copy - 6:3, 29:14, 29:24, 34:11, 35:2, 36:17, 40:17, 59:7, 64:8, 93:16 corner - 35:5, 35:9 corners - 11:16 correct - 25:14, 30:11, 58:7, 58:11, 60:8, 60:12, 61:21, 61:25, 63:11, 65:11, 79:24, 80:3, 80:9, 83:24, 90:12, 92:5, 95:13, 97:6, 97:18 Correct - 65:12, 77:11, 90:14, 95:14 correction - 12:22 corrections - 12:20 cot - 16:8 Counsel - 3:5, 23:10, 37:25, 38:18, 52:8, 63:22 counsel - 19:13, 40:22, 50:14, 53:14, 54:2, 54:9 County - 10:21 couple - 83:3 course - 6:11, 13:3, 38:19, 39:10, 51:3, 51:7, 51:19, 60:10 Court - 93:6</p> | <p>court - 6:3, 12:14, 93:3 courts - 7:16 cover - 8:25, 32:21, 44:23, 45:3 coverage - 8:21 covered - 10:19, 12:18 crimes - 18:6 criminal - 17:8 criminally - 18:10 current - 12:25 Cut - 39:1 cut - 55:12</p> | <p>15:5, 15:13, 16:16, 17:2, 18:5, 31:5, 32:24, 39:24, 40:7, 55:21, 57:1, 62:4, 62:24, 63:24, 64:24, 66:12, 67:20, 68:25, 73:20, 74:2, 75:1, 75:25, 76:5, 76:9, 76:17, 76:20, 76:23, 77:17, 89:23, 90:8, 94:11, 102:9 department's - 41:4, 58:23, 65:4 Department's - 59:8 departments - 7:11, 7:22, 8:3, 10:21 Departments - 10:22 depravation - 47:19 Deputy - 2:20 Description - 102:3, 102:8, 103:3 desk - 16:10, 63:8, 65:9, 74:4, 86:19 Detective - 74:1, 74:7, 74:25, 79:18, 79:23, 80:2, 80:13, 97:1, 98:3, 98:15, 99:4, 99:15 detective - 9:21 determination - 11:22, 18:19, 20:8, 44:23, 93:2, 94:18 determine - 41:11 developed - 46:4 Developed - 46:9 different - 7:11, 45:16, 46:3, 66:11 differently - 15:1 Direct - 21:6 direct - 42:25, 100:7 directed - 67:19 directing - 54:4, 94:5 directions - 68:13 directive - 102:21 Directive - 33:7, 33:9 directives - 68:6 directly - 65:2 disabilities - 13:13 disability - 12:17, 13:6, 13:20, 43:10, 43:19 disabled - 14:5, 15:24, 83:25 disagree - 75:6, 75:9 disagrees - 27:17 discharged - 11:9 disciplinary - 4:5, 4:8, 7:18, 7:24, 41:2, 44:17, 51:1, 53:8, 55:22 Disciplinary - 1:2, 67:5 discipline - 8:2, 11:6 disciplined - 11:4 disclose - 58:25 disclosing - 54:1 discriminating - 15:6 discussed - 54:2, 54:15 discussion - 70:20, 100:12 discussions - 53:23, 54:13 disingenuous -</p> |
| <p>C</p> <p>canyon - 23:8 capacity - 22:5 car - 15:24, 16:6, 73:14, 73:16, 73:17, 79:22, 80:3, 80:6, 98:7, 98:8 Carbone - 1:23 care - 16:5, 27:13 carries - 17:7 carrying - 6:19 case - 7:9, 8:13, 9:17, 11:23, 11:24, 12:9, 12:10, 13:9, 17:23, 18:17, 21:3, 51:9, 53:3, 100:8 cases - 44:10, 50:25 cat - 17:18 category - 13:6, 13:18 caucus - 6:12, 20:5, 39:12, 39:16, 48:9 caught - 9:18 causal - 37:24, 52:6 cell - 5:24, 71:2, 71:23, 72:2 Central - 1:24 certain - 94:11 certainly - 45:11 Certainly - 11:13, 43:2, 44:20 Certified - 104:5 Chair - 6:6 challenge - 93:1 character - 10:24 charge - 41:12, 44:14, 49:23, 50:21, 51:15 charged - 14:25 charges - 4:9, 10:10, 11:17, 12:2, 12:8, 12:11, 17:25, 18:20, 21:15, 21:16, 24:5, 25:7, 41:2, 43:13, 44:1, 44:6, 44:10, 45:1, 48:1, 50:9, 53:24, 54:14, 55:22, 67:2, 67:5, 67:6, 67:9, 67:12 Charges - 1:2 charted - 51:19 charter - 7:20 check - 29:15, 72:1 Check - 30:23 checked - 96:4 checking - 86:16</p> | <p>D</p> <p>damage - 56:4 date - 7:2, 22:15, 28:16, 32:8, 33:12, 34:6, 34:7, 34:10, 34:12, 34:14, 35:21, 40:2, 40:20, 43:18, 57:13, 57:14, 78:1, 78:16, 79:8, 79:20, 82:16, 83:10, 87:9, 87:13, 88:7, 88:24, 90:1, 93:13, 95:1, 98:3, 100:17 dated - 4:9, 6:23, 46:11 Dated - 1:2 dates - 46:7 dealership - 73:16, 80:6 dealing - 13:19, 18:14 December - 1:8 decided - 96:3 decision - 24:21, 24:23, 27:5, 93:6, 93:16, 94:10, 103:15 declaratory - 64:17 decorum - 5:24 deeply - 17:21 defense - 49:18 definitely - 96:20 delinquency - 10:23 denied - 43:10, 47:1, 51:25 Dep - 102:9, 102:13, 102:17, 102:21, 103:4, 103:8, 103:11, 103:15, 103:19 Department - 2:12, 5:4, 7:10, 9:7, 10:2, 10:15, 15:11, 22:13, 28:6, 28:8, 28:12, 28:15, 28:19, 32:2, 32:4, 33:2, 33:10, 33:15, 33:20, 35:4, 39:22, 39:25, 40:5, 48:17, 52:13, 52:18, 52:22, 52:23, 53:1, 54:25, 55:25, 63:3, 67:7, 67:9, 67:13, 71:24, 72:5, 72:13, 72:20, 73:4, 84:13, 84:24, 85:9, 87:5, 88:3, 88:6, 88:9, 89:13, 89:17, 89:22, 89:24, 90:3, 90:21, 90:25, 91:10, 91:13, 92:10, 93:9, 93:10, 93:11, 93:15, 93:24, 94:1, 94:6, 94:22, 94:25, 95:3, 95:19, 97:6, 98:22, 99:22, 102:13, 103:4, 103:11 department - 14:4,</p> | | | |

| | | | | |
|---|---|---|---|--|
| <p>50:2 disliked - 15:1 dismiss - 18:20 disobedience - 10:25 disregard - 17:16 distance - 42:25 distinction - 13:14 distribution - 102:22 Distribution - 33:7, 33:9 Division - 51:17 doctors - 94:15 document - 22:12, 22:17, 22:20, 25:2, 26:7, 26:21, 28:14, 28:18, 28:22, 29:1, 29:5, 30:8, 30:16, 33:4, 33:6, 33:14, 33:17, 33:19, 33:23, 34:18, 35:12, 37:5, 37:11, 39:24, 40:10, 40:14, 40:16, 41:8, 41:17, 43:8, 43:20, 46:13, 46:14, 46:16, 46:17, 48:13, 49:4, 49:18, 50:5, 55:15, 57:17, 59:16, 60:17, 88:9, 88:10, 88:12, 88:25, 89:23, 90:2, 90:4, 90:7, 92:13, 93:11, 93:14, 93:19, 95:2, 95:4, 95:6, 102:10, 102:14, 103:4 documentation - 94:12 documents - 24:13, 26:4, 26:15, 33:2 done - 7:24, 11:3, 14:16, 18:5, 18:15, 51:6, 51:7, 55:20, 56:4 double - 29:15 doubt - 14:12 down - 100:9 Downey - 5:5, 5:6, 23:3, 89:16, 103:19 drafted - 43:8 draw - 13:13, 32:7 Drawing - 92:9 drinking - 16:18 driveway - 74:2 Driving - 16:24 driving - 16:25 drop - 79:22 dropped - 80:5 Drove - 73:14 drugged - 16:9 due - 24:25, 26:25, 47:20, 50:6, 50:19, 60:4 duly - 21:3 during - 6:10, 9:8, 9:9, 9:15, 10:7, 13:3, 14:6, 38:18, 39:10, 42:9, 51:3, 51:7, 57:7, 62:4, 62:24, 67:16, 67:18, 71:23, 72:2, 77:4, 99:4, 99:9, 99:18 During - 60:10, 60:14, 64:6, 79:3 duties - 4:24 duty - 14:7, 16:11, 57:8 Dwb - 16:24 Dwh - 16:24</p> | <p style="text-align: center;">E</p> <p>e-mail - 91:9, 103:11 e-mails - 92:20 early - 24:3, 71:9 easier - 69:23 Eastchester - 70:9, 70:10, 70:14, 70:16, 70:22, 71:18, 71:19, 73:10, 96:24 eat - 80:23, 82:20, 83:8 eating - 82:12, 83:1 effect - 10:24, 60:21, 86:24, 96:7 efficient - 6:16 eight - 86:21 either - 8:9, 14:22, 18:22, 29:3 elected - 5:16, 50:14 elephant - 17:20 eleven - 22:12, 24:14, 25:13, 25:22, 26:6 Eleven - 26:21 eleventh - 35:22, 59:13 Elmsford - 3:7 employed - 21:13, 22:2 employment - 7:12, 12:6 Employment - 7:16 encountered - 44:16 end - 68:4 endangered - 16:16 enter - 40:19 entered - 48:2, 97:5 entering - 56:13, 56:25 entire - 47:8, 51:8 entirely - 17:16 entitled - 19:1, 19:8, 33:6, 60:17 entitlement - 13:2 error - 11:19, 19:24, 41:9, 51:16 errors - 24:3 Esq - 2:8, 2:15, 2:16, 3:8 Esqs - 2:4 establish - 45:22 Evd - 102:11, 102:15, 102:23, 103:6, 103:9, 103:13, 103:17, 103:20 evening - 4:1, 4:3, 7:6, 100:25 event - 47:8 evidence - 8:12, 10:11, 11:20, 14:13, 21:15, 23:5, 23:6, 23:11, 24:5, 26:21, 28:7, 28:10, 31:13, 31:17, 32:3, 32:6, 37:6, 37:11, 37:17, 43:22, 47:4, 48:14, 48:19, 52:13, 52:20, 56:5, 67:6, 67:13, 80:25, 88:25, 89:3, 89:7, 89:9, 89:12, 89:15, 90:16, 90:20, 90:23, 93:22, 94:3, 95:16, 95:21, 97:20 exact - 44:8, 92:2 exactly - 34:19,</p> | <p>49:23, 55:3, 74:12 Exactly - 55:2, 98:9 Examination - 21:6 examined - 21:5, 94:15 exception - 26:24, 27:14, 31:18 exclude - 19:23 excluded - 7:17 Excluding - 22:21 Excuse - 25:23 excused - 41:20 exercise - 5:23 exhibit - 21:20, 21:22, 56:5 Exhibit - 6:22, 7:1, 22:14, 28:6, 28:8, 28:12, 28:15, 28:19, 32:2, 32:4, 33:3, 33:11, 34:20, 35:4, 40:1, 40:5, 47:11, 48:17, 52:18, 52:23, 53:1, 63:3, 67:13, 88:3, 88:6, 88:9, 89:13, 89:17, 89:22, 89:25, 90:3, 90:21, 90:25, 91:10, 91:13, 92:4, 92:8, 92:10, 93:9, 93:12, 93:15, 93:24, 94:1, 94:6, 94:23, 94:25, 95:19, 97:6, 102:3, 102:8, 103:3 Exhibitf - 33:25 expected - 5:23 expects - 6:14 expenses - 9:1 experience - 14:14, 19:12, 19:16, 19:19 express - 31:21 expressed - 15:3, 15:10, 15:14, 15:19, 16:2, 16:6, 16:12, 16:22, 18:13, 30:6 expressions - 16:20 extending - 47:14 extension - 47:17</p> <p style="text-align: center;">F</p> <p>face - 12:13 fact - 7:15, 11:5, 11:7, 34:14, 40:25, 43:12, 43:16, 43:21, 44:7, 86:25 factor - 8:22 factors - 11:1 facts - 14:19 factual - 41:16 factually - 47:6 failed - 9:6 failure - 65:19 fair - 17:14, 95:22 false - 9:20, 16:14, 38:20, 41:15, 67:23, 80:18 familiar - 13:11 far - 27:8 favor - 99:9 fax - 29:21, 30:15 faxed - 29:6 February - 47:13, 47:16, 84:25, 85:5, 100:18 federal - 47:21 fell - 13:16 fellow - 16:13 female - 15:8 fighters - 12:20 file - 41:2, 91:4,</p> | <p>91:19, 91:21 Finally - 9:23 findings - 51:2 fine - 42:17, 50:20, 56:16, 70:16 fire - 12:19 firefighters - 12:23 first - 7:9, 21:3, 31:9, 40:6, 40:25, 44:12, 48:22, 78:7, 78:10, 87:25, 91:3, 91:11, 91:13, 92:22, 98:16 First - 44:5 fleeing - 12:15 fold - 9:6 Follow - 30:16 follow - 24:11, 45:23 followed - 29:17, 60:1, 97:16 following - 68:7 Following - 30:18, 76:3, 94:10 follows - 21:5 food - 10:4 forbade - 14:5 force - 18:5 foremost - 7:9 forgot - 23:10 form - 59:24, 64:16, 68:17, 72:21, 77:21, 84:7, 85:3, 85:13, 97:3 forth - 12:7 forward - 27:19 forwarded - 91:24 foundation - 23:9, 24:2, 24:8, 24:24, 25:1, 25:20, 56:15, 56:17, 89:1, 97:9 four - 11:16, 29:9, 46:5, 46:10 frame - 47:15 Franklin - 2:13 Frankly - 19:12, 45:15 free - 18:11 friend's - 73:13, 73:14, 73:15 friends - 80:15, 82:12, 82:13 fringe - 9:3 front - 17:20, 22:21, 22:22, 46:18, 52:25, 93:15 full - 8:22, 8:24, 9:3, 13:4, 16:11, 84:23, 85:2, 85:6, 85:9 functions - 6:19</p> <p style="text-align: center;">G</p> <p>Gallow - 74:8, 74:25, 79:18, 79:24, 80:2, 97:1, 97:4, 98:3, 98:15, 99:4, 99:15 Gallows - 74:1 game - 42:14 Garden - 2:14 gender - 15:6 General - 8:20, 10:19, 12:19, 12:21, 13:21 general - 10:12, 10:18, 10:24 gentleman - 18:22 gigantic - 18:2, 18:3 Giovanni - 82:15 Given - 11:5, 44:7</p> | <p>given - 9:18, 11:7, 35:2, 35:17, 46:5, 48:15, 49:1, 50:16, 63:4, 65:10, 66:5, 66:13, 70:7 Glenn - 2:20, 4:18 Gould - 2:4, 5:11 govern - 7:21 governmental - 50:14 governs - 10:13, 10:20 grand - 12:1 granted - 84:12, 87:10 Greenburgh - 99:2, 99:6, 99:18, 99:23 guarded - 8:4 guess - 38:7 guessing - 76:14 guilt - 11:23, 41:11, 48:24 guilty - 18:19, 45:9, 50:9, 50:10 guys - 96:4</p> <p style="text-align: center;">H</p> <p>hall - 20:14, 42:15, 42:22, 43:1 hallway - 42:17 hand - 23:11, 35:5, 35:9, 36:13, 42:1, 92:7 handed - 28:18, 34:25 Harold - 53:15, 61:19 Hartsdale - 1:24 health - 15:22 hear - 7:4 heard - 75:10, 81:7, 81:10, 81:11, 81:14, 81:17 hearing - 4:6, 4:8, 5:17, 5:21, 6:2, 6:7, 6:11, 6:15, 6:19, 24:6, 28:7, 43:25, 44:13, 44:15, 44:16, 48:16, 48:21, 48:25, 50:12, 50:22, 51:11, 63:19, 69:7, 100:14, 100:17 Hearing - 6:22 hearings - 44:11 held - 22:7 help - 76:7 herself - 4:14 himself - 23:12 Hispanic - 15:13, 16:25 Hispanics - 17:3 history - 15:9 hit - 23:8 Hitsman - 3:4 Hoffman - 3:4 home - 9:8, 9:14, 45:13, 45:18, 49:21, 57:7, 58:14, 68:15, 68:18, 69:7, 69:11, 69:15, 70:1, 70:2, 71:6, 71:13, 71:18, 71:19, 71:20, 72:6, 72:13, 73:18, 73:20, 74:8, 77:10, 79:7, 82:19, 83:8, 86:22, 87:1, 87:7, 92:20, 99:18, 99:22 homework - 63:22 honored - 14:24 hook - 19:15</p> |
|---|---|---|---|--|

| | | | | |
|---|---|---|---|---|
| <p>hours - 32:21, 73:8 house - 14:6, 74:15, 83:13, 83:16, 83:24, 84:6, 98:25, 99:5, 99:23 hypothetically - 12:6</p> <p>I</p> <p>Id - 36:12, 41:15, 43:8, 43:11, 43:18, 47:11, 56:6, 102:4, 102:10, 102:14, 102:18, 102:22, 103:5, 103:8, 103:12, 103:16, 103:19 idea - 42:6, 85:12 identification - 7:2, 22:11, 22:14, 28:9, 28:15, 28:18, 32:5, 33:11, 33:20, 39:23, 40:1, 40:4, 45:21, 48:18, 52:19, 88:4, 88:7, 89:14, 89:25, 90:22, 93:12, 94:2, 94:22, 95:1, 95:3, 95:20 identified - 37:19 identify - 21:18, 21:23, 22:17, 23:14, 23:22, 23:23, 28:20, 30:8, 34:20, 90:4 ignore - 33:15 ignored - 30:15 illegally - 46:25 imbeds - 17:21 immediate - 15:20 impermissible - 43:21 important - 8:22, 53:9 importantly - 49:4 improper - 77:21 impunity - 18:7 incident - 41:3, 45:2, 96:22 include - 14:2 including - 18:6, 18:7, 54:2 incompetent - 23:14 incorrectly - 30:9 Independent - 64:11 independent - 10:16 indicate - 80:22, 82:10, 83:15, 85:21, 86:6 indicated - 6:17, 25:3, 30:14, 34:7, 84:17, 84:20 Indicating - 34:8, 35:7, 35:18, 36:10, 90:13, 92:5, 92:11 indicating - 36:12 indication - 69:14 individual - 18:9 information - 9:21, 42:8 informed - 24:21, 24:23 initials - 34:1 injured - 8:17, 9:8, 9:14, 12:16, 13:1, 13:17, 45:24, 83:24, 83:25, 87:25 injuries - 9:1, 44:24, 84:18, 84:20</p> | <p>injury - 13:10, 32:17, 45:19, 49:22, 82:19, 82:24, 87:10 innocence - 11:23, 41:11, 48:23 instances - 7:19, 8:19, 8:21 instant - 43:13 instead - 69:25 instructing - 59:2 insubordination - 9:24 insurance - 8:25 integrity - 47:7 intend - 18:22 intention - 20:20 intercede - 15:25 interceding - 25:16, 26:9 interest - 8:1 interrupt - 11:14, 38:23 interrupting - 38:25 interview - 59:21 intradepartmental - 15:15 introduce - 4:14, 4:21, 14:12 introduced - 43:24 introduction - 51:12 investigate - 9:22 investigated - 97:20 investigation - 56:11, 56:18, 97:17, 98:1 involve - 14:8, 44:8 involved - 16:13, 49:5, 67:3, 67:4, 67:8 involves - 7:10 involving - 51:1 irrelevant - 89:4 issue - 14:11, 14:15, 14:22, 18:16, 19:16, 50:3, 50:7, 50:8, 51:14, 98:2 issues - 6:9, 6:12, 10:9, 49:5, 73:17 item - 37:3, 39:18 itself - 25:3, 81:25</p> <p>J</p> <p>January - 86:22, 100:15, 100:17 jealously - 8:3 job - 12:17, 13:1, 13:12, 14:5, 43:19, 45:19, 49:21, 65:24 John - 3:8, 4:21 joint - 21:20, 21:22 Jonathan - 2:8, 5:10 Joseph - 79:2 Jr - 2:21 July - 32:8, 69:3, 70:21, 71:5, 71:13, 72:5, 72:13, 72:17, 73:3, 73:9, 74:15, 76:17, 76:23, 77:17, 78:7, 78:11, 79:9, 79:16, 79:19, 80:8, 80:9, 80:14, 80:16, 80:22, 81:1, 82:11, 82:16, 84:9, 85:24, 86:9, 87:2, 96:2 Jump - 23:7 jury - 50:13</p> <p>K</p> | <p>keep - 39:1, 63:13, 65:3 Kempkes - 1:6, 2:5, 4:11, 5:12, 5:13, 5:16, 5:21, 7:8, 15:23, 18:24, 21:1, 21:9, 21:12, 22:16, 24:12, 25:12, 25:21, 26:2, 26:15, 26:22, 28:17, 31:1, 32:7, 33:13, 34:4, 38:17, 39:9, 40:3, 42:21, 49:10, 52:21, 68:4, 70:2, 75:12, 82:4, 88:8, 93:14, 94:4, 95:22 kept - 63:8 kind - 44:16, 56:19 kinds - 44:24 King - 2:10, 5:8 knee - 13:17 knows - 56:16, 56:17 Kurtz - 2:16, 5:7, 5:9</p> <p>L</p> <p>laid - 24:24 large - 12:11 larger - 33:17 last - 36:22, 62:16, 75:14, 84:22, 85:1, 85:8, 92:9, 94:5, 94:6 Law - 4:7, 8:20, 10:20, 12:19, 12:22, 13:21 law - 12:10, 12:25, 27:11, 43:22 laws - 7:21 lawyer - 53:16, 53:20, 59:2 lay - 97:8 lays - 24:8 lead - 41:19 leading - 41:21 learn - 91:3 learned - 91:15, 92:15 least - 44:17, 46:2 leave - 9:7, 9:25, 10:7, 10:13, 12:12, 12:16, 13:25, 34:22, 35:6, 35:15, 35:17, 36:15, 40:7, 41:4, 43:14, 49:9, 52:22, 52:25, 53:4, 55:16, 55:17, 58:23, 59:8, 59:22, 60:17, 60:20, 62:4, 62:24, 63:5, 63:24, 64:8, 64:13, 64:23, 67:15, 67:20, 68:25, 71:6, 82:19, 83:13, 83:16, 83:23, 84:6, 84:7, 84:10, 84:12, 84:15, 85:22, 85:23, 87:6, 87:11, 87:19, 87:22, 102:17 leaves - 49:11 leaving - 14:6, 83:7, 86:21 left - 9:19, 10:3, 16:5, 36:12, 43:6, 71:17, 72:5, 72:13, 87:1 legal - 17:24, 18:2 legitimate - 10:7 less - 17:9, 56:5 Letter - 103:19 letter - 92:17, 94:24, 95:11 lieu - 44:25</p> | <p>lieutenant - 10:6, 79:5, 82:18 Lieutenant - 16:13, 18:7, 57:4, 57:23, 59:7, 59:21, 60:7, 60:11, 60:15, 60:23, 61:1, 61:14, 61:16, 64:6, 64:12, 67:1, 67:11, 67:19, 68:5, 68:12, 76:24, 77:5, 77:18, 78:5, 78:23, 80:7, 80:14, 80:21, 81:3, 82:7, 82:9, 83:14, 84:5, 85:21, 91:20, 92:18, 95:24, 96:2 Lieutenant's - 61:23 likely - 63:19 lines - 94:6 List - 33:7, 33:9 list - 102:22 Llc - 3:4 loathe - 11:15 local - 16:19 located - 99:1 location - 100:16 look - 12:2, 13:7, 24:13, 28:19, 29:7, 29:23, 33:14, 33:18, 33:21, 40:3, 40:13, 45:20, 53:9, 60:20, 63:19, 88:8, 92:19, 95:2 looked - 36:22, 53:7, 61:7 love - 24:2 Lovett - 2:4, 2:8, 5:10, 5:11, 5:15, 5:19, 7:7, 11:11, 11:13, 18:25, 19:3, 19:7, 19:10, 19:14, 19:18, 20:3, 20:10, 20:16, 21:14, 21:21, 23:6, 24:1, 24:15, 24:22, 25:15, 25:19, 25:23, 26:8, 26:12, 26:16, 26:24, 27:10, 27:20, 28:23, 29:13, 29:16, 30:5, 30:18, 31:15, 31:18, 34:24, 35:25, 36:11, 37:5, 37:10, 37:20, 38:4, 38:7, 38:11, 38:20, 38:23, 39:1, 41:6, 41:21, 41:25, 42:4, 42:10, 42:22, 42:24, 43:7, 45:4, 46:22, 48:3, 48:20, 50:17, 51:12, 52:3, 52:15, 53:11, 53:25, 54:7, 54:16, 54:21, 55:9, 55:23, 56:14, 57:15, 58:24, 59:24, 61:22, 62:1, 62:7, 62:18, 63:21, 64:16, 65:13, 65:16, 65:23, 66:14, 67:4, 67:22, 68:8, 68:16, 69:5, 69:23, 70:12, 72:7, 72:18, 72:21, 75:2, 77:20, 80:17, 80:24, 81:4, 81:6, 81:10, 81:11, 81:14, 81:21, 85:3, 85:13, 85:25, 88:24, 89:4, 90:18, 93:23, 95:17, 96:18, 97:3, 97:7, 97:10, 97:19, 100:5, 100:6, 100:24 Lovett's - 49:14 lower - 17:3</p> | <p>Ltd - 1:23 lunch - 71:14</p> <p>M</p> <p>machine - 70:24 Madam - 6:21 mail - 91:9, 103:11 mails - 92:20 main - 49:5 maintain - 66:8 maintained - 65:8 majority - 27:1, 27:4 manner - 6:16, 68:14 March - 35:13, 59:17, 63:10, 63:25, 65:11, 66:6, 66:13, 86:22, 88:23 mark - 6:22, 22:10, 33:2 marked - 7:1, 22:13, 28:9, 28:12, 28:14, 28:18, 32:5, 33:5, 33:10, 33:14, 33:19, 39:22, 39:25, 40:4, 45:20, 48:18, 52:19, 88:3, 88:6, 88:9, 89:14, 89:21, 89:24, 90:3, 90:22, 93:9, 93:11, 94:2, 94:22, 94:25, 95:3, 95:20 Marvin - 2:19, 4:1, 4:12, 4:20, 5:14, 5:20, 7:3, 11:11, 20:5, 20:8, 20:19, 20:23, 22:3, 25:8, 25:21, 26:20, 27:7, 27:19, 27:22, 28:4, 29:2, 29:11, 31:16, 36:3, 36:6, 37:14, 37:19, 39:15, 42:20, 43:2, 43:5, 48:12, 51:24, 52:17, 53:13, 56:7, 56:10, 56:20, 56:23, 57:18, 57:21, 59:4, 60:2, 62:9, 62:13, 64:19, 66:1, 66:4, 66:16, 66:19, 66:24, 68:3, 68:9, 68:19, 68:22, 72:8, 72:11, 72:23, 75:4, 75:11, 77:22, 77:25, 81:5, 81:15, 81:20, 81:23, 85:16, 85:19, 86:1, 86:4, 89:6, 89:11, 90:19, 93:24, 95:18, 97:11, 97:14, 97:21, 97:24, 100:5, 100:21, 100:23, 100:25 Mary - 2:19, 4:12 matter - 8:15, 18:12, 43:21, 43:22, 52:24 Matter - 1:2 matters - 6:9 Mayor - 2:19, 2:20, 4:1, 4:12, 4:20, 5:14, 5:20, 6:6, 7:3, 7:6, 11:11, 20:5, 20:8, 20:19, 20:23, 22:3, 25:8, 25:21, 26:20, 27:1, 27:7, 27:9, 27:19, 27:22, 28:1, 28:4, 29:2, 29:11, 31:16, 31:22, 36:3, 36:6, 37:14, 37:19, 37:21, 38:13, 39:15, 42:15, 42:20, 43:2, 43:5, 48:12, 51:24, 52:4, 52:17, 53:13,</p> |
|---|---|---|---|---|

| | | | | |
|--|--|--|--|---|
| 56:7, 56:10, 56:20, 56:23, 57:18, 57:21, 59:4, 60:2, 62:9, 62:13, 64:19, 66:1, 66:4, 66:16, 66:19, 66:24, 68:3, 68:9, 68:19, 68:22, 72:8, 72:11, 72:23, 75:4, 75:11, 77:22, 77:25, 81:5, 81:12, 81:15, 81:20, 81:23, 85:16, 85:19, 86:1, 86:4, 89:6, 89:11, 90:19, 93:24, 95:18, 97:11, 97:14, 97:21, 97:24, 100:5, 100:21, 100:23, 100:25 Mayor's - 27:18, 31:19, 81:21 mean - 34:24, 57:11, 96:17 meant - 12:17, 83:23 medical - 8:25, 94:11 medication - 16:9 meet - 67:1, 67:11, 76:22 meeting - 60:22, 61:8, 61:10, 61:20, 62:4, 62:24, 64:6, 67:16, 67:19, 68:5, 68:7, 68:11, 77:1, 77:2, 77:5, 77:8, 77:12, 77:14, 77:15, 77:17, 78:2, 78:10, 78:13, 78:17, 78:22, 79:3, 80:25, 81:2, 82:6, 85:20, 86:7, 95:23, 96:1 meetings - 78:4 member - 4:13, 6:13, 15:13, 19:22, 20:21, 27:16, 27:20 members - 36:4, 45:23, 56:8, 56:21, 57:19, 62:11, 100:21 Members - 5:22, 18:4, 31:20 memorialized - 41:14 memory - 65:15, 65:19 mention - 40:7 mentioned - 11:1 merit - 44:13, 50:10 messages - 71:19, 71:22, 72:1 met - 60:7, 64:14, 79:19, 80:12, 80:13, 80:15, 80:21, 80:23, 82:9, 83:14 midnight - 46:6 midst - 51:6 might - 20:17, 61:7, 63:17 mind - 55:25, 56:1 minds - 17:22 minimal - 23:9 minimally - 46:18 Minimally - 8:24 ministerial - 6:9 minor - 16:17 miraculous - 38:12 misassembled - 30:9, 30:13 misconduct - 10:24, 43:24, 51:2 misdeemeanor - 16:15 | misleading - 9:20, 43:20, 47:6 missed - 29:11 missing - 29:10, 29:12, 30:22 mistake - 43:12, 45:8 mistaken - 46:24 Mitchell - 74:6, 75:18, 75:21, 76:4, 76:8 money - 14:11, 18:4, 48:4 morning - 58:19, 71:7, 71:9 most - 7:19, 19:12 Mount - 73:10 move - 23:4, 23:11, 31:12, 52:12, 89:2, 90:15, 93:21, 95:15 Municipal - 8:20, 10:20, 12:19, 12:22, 13:21 must - 8:11, 20:12 | 17:16, 19:9, 20:24, 20:25, 21:6, 21:17, 21:24, 22:10, 23:4, 23:16, 24:10, 24:25, 25:8, 28:11, 29:4, 29:15, 29:23, 30:12, 31:12, 33:1, 35:1, 36:1, 37:8, 39:21, 41:13, 41:18, 41:23, 42:2, 42:7, 44:4, 47:24, 49:1, 49:6, 49:13, 49:16, 50:23, 51:20, 52:12, 54:3, 54:5, 54:11, 54:19, 55:12, 60:4, 62:14, 62:22, 65:15, 65:20, 66:20, 67:8, 68:3, 69:9, 70:3, 70:6, 72:19, 72:23, 72:25, 80:19, 85:4, 88:2, 89:2, 89:6, 89:21, 90:15, 92:7, 93:8, 93:21, 94:21, 95:15, 97:8, 100:3 O'reilly - 3:4, 3:8, 6:18, 18:21, 19:2, 19:5, 20:1, 20:4, 24:12, 24:19, 25:10, 25:18, 26:1, 26:6, 26:10, 26:14, 26:17, 27:16, 28:5, 31:1, 31:20, 32:2, 37:23, 38:2, 38:6, 38:16, 38:21, 38:24, 39:6, 44:2, 48:7, 49:6, 49:13, 52:9, 62:20, 67:24, 70:5, 70:17, 75:12, 81:7, 81:9, 81:13, 82:1, 82:4, 100:9, 100:13 O's - 44:4 Object - 24:15 object - 41:23, 42:18, 50:20, 56:3, 65:24 objecting - 49:17 Objection - 21:14, 25:15, 26:8, 41:6, 55:23, 56:14, 59:24, 64:16, 66:14, 68:8, 68:16, 72:18, 72:21, 75:2, 77:20, 85:3, 85:13, 88:24, 96:18, 97:3, 97:19 objection - 22:1, 26:11, 26:13, 26:16, 31:15, 37:13, 39:17, 42:9, 42:19, 42:23, 44:3, 47:22, 48:13, 52:15, 56:8, 56:21, 57:15, 57:19, 62:10, 62:11, 66:2, 66:17, 68:20, 72:9, 75:4, 77:23, 85:17, 86:2, 89:8, 90:18, 93:23, 95:17, 97:7, 97:10, 97:12, 97:22 objectionable - 60:5 objections - 6:10, 25:25, 49:8, 51:21 obligation - 63:21 observations - 48:8 occasion - 87:7 occasions - 87:1, 87:4 occurred - 44:9, 76:20, 80:25, 95:24, 96:22 occurring - 79:4 | October - 6:23 offenses - 11:10 office - 61:14, 61:23 officer - 8:13, 15:4, 15:8, 15:17, 22:6, 31:10, 74:4, 96:23 Officer - 1:6, 2:5, 4:10, 5:12, 5:16, 5:21, 7:8, 15:23, 18:24, 20:25, 21:9, 21:12, 22:16, 24:12, 25:12, 25:21, 26:1, 26:15, 26:22, 28:17, 31:1, 32:7, 33:13, 38:17, 39:9, 40:3, 42:21, 49:9, 52:21, 68:4, 70:2, 75:12, 82:4, 88:8, 93:14, 94:4, 95:22 officers - 12:20, 12:23, 16:4 old - 67:10 omitted - 30:20 one - 8:9, 10:2, 13:5, 15:16, 30:21, 35:18, 36:9, 36:11, 38:24, 49:4, 50:23, 53:8, 53:9, 53:11, 57:12, 59:10, 59:11, 59:12, 59:13, 59:14, 63:25, 64:4, 66:12, 70:10, 73:2, 80:11, 82:11, 82:13, 85:14 One - 15:2, 27:20, 88:15 ones - 23:21 Open - 5:19 open - 5:17, 5:21 opening - 7:4, 11:12, 11:18, 49:19 operating - 13:9 operation - 55:24 opportunity - 31:2 opposed - 13:18 order - 10:13, 28:25, 30:2 organization - 7:14 original - 29:4 ought - 8:1, 13:19, 17:14, 18:15 ourselves - 14:9 outside - 19:13 overrule - 37:15, 57:19, 62:10, 66:2, 68:20, 72:9, 77:23, 81:7, 81:12, 81:17, 97:12, 97:22 overruled - 39:17, 48:13, 75:5, 86:2, 89:8 Overruled - 22:3, 36:3, 36:6, 62:13, 66:4, 68:22, 72:11, 77:25, 81:5, 81:20, 86:4, 97:14, 97:24 overwhelmingly - 17:2 own - 27:13 | 29:6, 29:10, 30:1, 30:10, 102:10 paginated - 29:5, 30:17 paid - 16:11 Panzarino - 79:2 paragraph - 47:10, 57:12, 92:10 paramilitary - 7:14 Park - 1:24 part - 12:11, 29:19, 33:17, 69:6 participant - 18:8 particular - 14:21, 54:8 particularly - 51:13 parties - 6:24, 20:7, 39:14, 48:11, 68:2, 69:14, 82:3 party - 6:5, 19:6, 20:9 party's - 55:24 past - 14:13, 15:21 patrol - 15:23 pay - 17:19 payer's - 14:10 Pba - 18:25, 19:3, 19:5, 19:7, 19:11, 19:17, 19:20, 19:22, 19:23, 20:2, 20:9, 20:11, 20:12, 53:16, 53:20, 78:25 penalty - 44:7, 44:15, 44:25, 45:10, 46:16, 47:12, 49:25, 50:4, 50:11, 51:5 pending - 41:12, 44:1, 51:15 people - 16:3, 46:6, 46:8, 46:9, 46:12 performance - 4:23 perhaps - 29:21 period - 11:8, 71:23, 72:2, 86:22 person - 12:18, 46:24, 56:2 personal - 36:17 pertain - 59:25 pertaining - 41:8 peruses - 22:19, 26:3, 28:21, 33:22, 40:9, 40:15, 55:14, 88:11, 90:6, 92:12, 93:18, 95:5 pettiness - 17:24 Pg - 102:3, 102:8, 103:3 phase - 48:22 phone - 70:25, 71:2, 71:23, 72:2 phones - 5:25 picked - 100:17 pink - 17:20 pinky - 13:17 pizza - 14:23, 73:18, 79:22, 80:3, 80:5 place - 7:20, 61:11, 61:21, 70:20, 73:13, 73:14, 81:3, 82:7, 100:12 placed - 87:18, 87:22, 91:1, 91:14, 91:16, 92:23, 94:18, 95:16 places - 79:16, 79:19, 80:8 Plains - 2:7 play - 42:14 pleases - 45:5 pled - 45:8 |
|--|--|--|--|---|

| | | | | |
|--|---|---|---|--|
| <p>plenty - 51:16 Pllic - 2:10 plus - 59:25 Pm - 1:9, 32:22, 71:15, 72:17, 73:5, 73:8, 100:15, 100:18, 100:19, 101:2 point - 5:1, 47:4, 47:5, 86:17 pointing - 39:7, 39:8 police - 7:11, 7:22, 8:10, 9:10, 10:20, 13:12, 14:4, 15:4, 15:5, 15:8, 15:13, 16:6, 16:8, 16:14, 17:1, 18:5, 31:10, 32:24, 41:4, 44:17, 64:24, 65:8, 73:19, 75:25, 76:4, 76:9, 76:17, 76:19, 76:23, 77:16 Police - 1:1, 1:6, 2:11, 4:4, 4:10, 4:22, 5:3, 5:5, 5:12, 7:10, 10:22, 12:19, 12:22, 13:23, 15:11, 15:20, 16:7, 18:23, 21:9, 22:6, 26:23, 42:5, 46:25, 47:16, 52:21, 55:25, 59:8, 71:24, 72:4, 72:12, 72:19, 73:4, 84:13, 84:24, 85:9, 102:9 policies - 10:13 Policy - 33:8 policy - 7:25, 12:12, 12:16, 13:15, 14:1, 33:5, 35:6, 35:15, 35:17, 36:8, 36:15, 37:1, 37:4, 39:19, 40:8, 41:4, 43:15, 45:12, 45:20, 46:1, 52:22, 52:25, 53:4, 55:5, 55:6, 55:16, 55:17, 58:23, 59:8, 59:22, 60:17, 60:21, 61:7, 62:5, 62:25, 63:5, 63:13, 63:24, 64:8, 64:13, 64:23, 65:4, 65:10, 66:5, 66:9, 66:11, 66:22, 66:25, 67:16, 67:20, 68:25, 102:17 Poll - 36:3, 37:15 poll - 27:22, 42:15, 43:3, 51:25, 81:17 polled - 36:5, 38:14, 39:16, 43:4, 52:2, 56:9, 56:22, 57:20, 62:12, 66:3, 66:18, 68:21, 72:10, 77:24, 81:19, 85:18, 86:3, 89:10, 97:13, 97:23, 100:22 polling - 48:12 Pondfield - 1:7, 21:10 poor - 65:23 Poorman - 2:22, 4:17, 27:25, 31:25, 75:7 Pordale - 82:15 position - 20:18, 22:8, 44:8 positions - 86:12 possession - 31:10, 36:14, 63:20, 64:22, 65:4, 65:5 possibly - 15:25</p> | <p>Possibly - 18:25 pot - 18:3, 19:25 potential - 20:13, 48:1, 53:24, 54:14 potentially - 59:1 precious - 12:4 precisely - 11:4, 45:2, 46:17 precluded - 48:6 predicate - 30:7, 41:16 prejudicial - 43:23 premised - 43:11 premiss - 12:10 prepare - 55:21 prepared - 7:4, 41:2, 42:11, 69:13 prescription - 16:9 present - 5:23, 19:8, 78:3, 78:23 presented - 51:15 presently - 83:2, 86:15, 98:24 Presently - 96:15 president - 19:1, 19:4, 19:21, 19:22, 20:12, 20:14, 78:25 pretty - 91:23 previously - 6:17, 9:24, 11:6, 11:21, 28:9, 32:5, 48:18, 52:19, 89:14, 90:22, 94:2, 95:20 primarily - 13:9, 18:17 principals - 10:18 private - 6:1 privilege - 54:23 privileged - 54:17 probablay - 100:7 problem - 24:5, 57:16, 69:9, 69:21 Procedure - 33:8 procedure - 8:6, 13:8, 33:5, 35:8, 35:24, 36:15, 40:8, 41:5, 45:13, 49:20, 52:22, 52:25, 53:5, 58:23, 59:9, 59:23, 60:18, 60:21, 61:8, 62:5, 62:25, 63:5, 63:14, 63:24, 64:9, 64:13, 64:23, 65:11, 67:16, 69:1, 96:4, 102:18 procedures - 7:18, 7:24, 10:14, 45:22, 65:4, 67:21 proceed - 21:16, 24:10 proceeding - 4:25, 27:3, 27:6, 47:8, 48:23, 49:2, 50:24, 51:4, 51:8, 104:6 proceedings - 24:4, 27:8 process - 47:20, 50:19, 50:20 product - 30:15 professional - 6:16 proffer - 17:25 Proffered - 1:5 proffered - 4:9 prohibited - 7:22 prompted - 55:21, 87:10 proper - 65:17 property - 47:20, 48:4 propose - 42:20,</p> | <p>51:24, 56:7, 56:20, 57:18, 62:10, 66:1, 66:16, 68:19, 72:8, 75:4, 77:22, 85:16, 86:1, 89:8, 97:11, 97:21 proposed - 37:14 prosecuted - 17:9, 17:12, 18:11 prosecutions - 17:8 prosecutor - 24:18, 25:16 protected - 8:2 prove - 12:7, 46:3 provided - 6:4, 16:7 provision - 7:21, 14:3, 46:19 provisions - 10:14 public - 5:17, 5:22, 7:25, 15:22, 20:22 Public - 7:15, 21:4 punishment - 48:25 purely - 56:2, 96:19 purported - 97:25 purpose - 45:21 purposes - 4:5, 6:7, 28:7, 51:5, 70:6 pursuant - 4:6 put - 15:21, 20:18, 21:19, 21:21, 31:16, 69:8, 89:7, 89:9 putting - 16:3, 47:4 Putting - 11:20</p> | <p>93:22, 94:3, 94:24, 95:21, 98:14 receiving - 13:4 recess - 20:6, 39:13, 48:10, 68:1, 82:2 recognize - 35:16, 88:10, 95:4 recognizes - 41:14 recollection - 37:9, 46:15, 53:10, 55:8, 61:5, 63:4, 65:22, 76:8, 92:22 reconvene - 44:14, 100:15 record - 4:13, 5:2, 5:15, 9:12, 20:10, 20:19, 21:8, 24:20, 25:24, 27:15, 28:5, 28:24, 37:20, 38:8, 38:16, 39:8, 47:25, 48:8, 52:3, 67:24, 69:6, 69:8, 70:17, 70:19, 81:24, 82:1, 100:10, 100:11, 100:13 recorded - 81:24 records - 86:17 recover - 23:12 rectified - 47:2 redacting - 69:10 refer - 40:5, 47:19, 70:13 reference - 12:15, 29:6, 40:11, 56:4, 61:3 referenced - 13:14, 54:3, 67:7 references - 43:11 referred - 16:24 Referring - 57:12 referring - 37:7, 37:12, 57:17 reflect - 37:21, 52:4 refresh - 37:8, 46:15, 53:9, 61:5, 65:21, 76:7, 92:21 refreshes - 55:7 regard - 7:23, 19:15, 50:6, 50:15, 50:24, 56:12, 57:24, 60:15, 67:2, 67:12, 68:6, 68:15, 68:17, 80:1, 84:5, 93:16, 94:12, 95:12 regular - 9:9 regularly - 9:15, 10:8 regulational - 13:8 regulations - 10:15, 31:5, 35:6, 35:10, 102:14 Regulations - 28:13 Reilly - 4:21, 25:24, 52:5 related - 13:12, 14:22, 32:16, 70:8, 97:17 relates - 12:11, 51:14 Relations - 7:16 relationship - 37:24 relatively - 9:10, 11:7 relatives - 9:11 relevant - 44:20, 45:11, 49:18, 50:3, 69:11 relish - 8:8 remember - 35:13,</p> | <p>35:20, 36:25, 37:3, 39:18, 53:7, 55:6, 57:13, 61:9, 61:10, 61:20, 61:24, 62:3, 62:23, 63:7, 64:3, 64:7, 64:12, 64:22, 65:1, 65:21, 66:23, 66:24, 68:24, 74:5, 74:13, 74:19, 74:20, 75:17, 75:20, 76:11, 76:16, 76:25, 78:9, 78:16, 79:4, 79:15, 79:21, 81:2, 82:6, 86:16, 86:20, 96:3, 96:10, 96:13, 97:2, 98:15, 99:3, 99:12, 99:17, 99:21 removed - 42:3, 42:5 rep - 77:14, 78:3 repeatedly - 15:3, 15:10, 15:14 repetitive - 66:21 rephrase - 53:13, 59:4, 60:2, 64:19, 72:24 Rephrase - 68:9 report - 16:15 reporter - 6:3, 33:1, 62:17, 75:15 Reporter - 6:21 reporting - 45:22, 57:10 represent - 19:19, 30:12 representation - 77:19, 78:10, 78:14 representative - 77:7 representatives - 57:1 represented - 8:8, 40:22, 46:23 representing - 20:2, 20:11 represents - 19:7, 19:10, 19:11 Request - 103:8 request - 5:20, 55:10, 87:10, 87:21, 88:5, 88:18, 88:23, 90:25, 91:9, 91:11, 91:14, 91:16, 91:22, 92:16, 92:23 requested - 6:13, 77:18, 87:18, 91:23 requesting - 48:21, 89:7, 91:1 requests - 88:15, 94:11 require - 44:11, 54:1, 58:25 required - 65:3 requires - 51:10 reschedule - 78:13 reserve - 6:12 reside - 69:4 residence - 9:19, 10:1, 10:4, 14:20, 70:8, 70:10, 70:13, 70:15, 70:22, 85:22, 96:23 residences - 70:4 residents - 17:5 respect - 6:8, 13:10, 17:8, 24:25, 26:25, 48:23, 57:16, 60:5 respective - 6:24 respond - 74:23 responded - 89:17</p> |
|--|---|---|---|--|

| | | | | |
|--|---|--|--|---|
| <p>Respondent- 21:2 responsibilities - 4:24 responsibility - 8:10, 91:4, 91:16, 92:16 retroactive - 47:2 return - 71:12, 73:20, 74:14 returned - 71:18, 87:6 reversible - 11:19, 11:24, 24:18, 41:9, 51:16 review - 31:2 revised - 36:10, 59:13 revision - 35:22 ridiculous - 42:18 right-hand - 35:5 Right-hand- 35:9 rights - 47:21 risk - 15:22, 16:4, 27:13 Road- 1:7, 2:6, 3:6, 21:10 robbery - 16:1 Robert- 2:23, 4:19 role - 24:17, 25:17 room - 42:6, 43:6, 47:10, 49:12 routine - 39:3 routinely - 17:4 rule - 13:7, 18:16, 31:19 rules - 7:15, 10:15, 31:4, 35:5, 35:10, 102:13 Rules- 28:13 ruling - 25:11, 27:13, 27:18, 37:13, 37:14, 37:22, 37:24, 38:13, 52:5, 52:7, 85:15 rulings - 51:17</p> | <p>Section - 4:7, 8:20, 10:19, 30:25, 87:18, 87:22, 91:4 section - 87:11 see - 10:10, 35:4, 35:6, 40:11, 46:15, 55:7, 63:20, 92:10 send - 94:14 sending - 15:23 separate - 44:15, 48:25 September - 87:14 Sepulveda - 1:23, 21:4, 104:10 sequence - 29:21 Sergeant - 16:8, 74:6, 75:18, 75:21, 76:4, 76:8, 80:13 serious - 18:5 seriously - 10:23 serve - 6:6, 8:11 served - 6:23, 21:18, 22:25, 23:2, 23:17, 23:24, 25:3 service - 70:22 set - 12:7 sets - 67:5 settled - 49:23, 53:3 Settlement - 53:8 settlement - 48:1, 52:24, 53:22, 54:12, 103:5 seven - 29:17, 29:18 severe - 44:25, 49:24 Shield - 21:10 shift - 59:15 short - 11:7, 16:20, 20:6, 39:13, 48:10, 68:1, 82:2 show - 8:12, 11:2, 17:2, 32:12, 59:22, 60:16, 90:2 showed - 84:22 shown - 58:22, 59:7, 67:15 shut - 41:25 Sick - 45:24, 102:17 sick - 8:16, 9:8, 9:14, 10:13, 12:11, 12:16, 13:15, 13:25, 18:16, 34:22, 35:6, 35:15, 35:16, 36:8, 36:15, 40:7, 41:4, 43:14, 45:23, 45:24, 52:22, 52:24, 53:4, 55:16, 55:17, 58:23, 59:8, 59:22, 60:17, 60:20, 62:4, 62:24, 63:5, 63:23, 64:8, 64:13, 64:15, 64:23, 67:15, 67:20, 68:25, 82:24, 83:1, 84:15 sickness - 13:10 side - 38:15 sign - 34:6, 34:18, 40:19, 63:9 signature - 34:1, 40:17 signed - 21:23, 23:7, 23:14, 23:17, 23:21, 34:15, 35:12, 35:21, 36:8, 36:9, 36:10, 36:15, 37:1, 37:4, 39:19, 43:8, 46:8, 46:10, 46:12, 53:22, 54:12, 59:12, 59:16, 59:20, 63:3, 63:25</p> | <p>significant - 17:10 signing - 35:14 simply - 13:1, 30:5, 69:25 single - 15:8 sleep - 16:10 slice - 14:23, 73:17, 79:22, 80:5 someone - 8:13, 23:8 sometime - 31:11, 60:8 somewhat - 50:1 sooner - 88:22 sophisticated - 50:5 sorry - 45:9, 80:13, 84:1, 85:4 speaking - 39:9, 49:8 speaks - 25:2 special - 7:15, 7:21, 12:21 specifically - 10:5, 40:6 specifications - 12:3, 14:18 speculate - 38:7 speculation - 52:9 speculative - 56:2, 96:19 spoken - 9:11, 50:15 stand - 23:13, 42:14, 42:16 standing - 26:11, 26:13 stapled - 30:4 start - 20:23 started - 42:12, 55:12 starting - 5:3 starts - 30:20, 67:23, 80:18 State - 7:13, 21:4 state - 7:17, 12:25, 21:7, 98:10 statement - 11:12, 11:15, 11:18, 64:17, 81:22 statements - 7:4, 49:20 statistics - 17:1 status - 13:24, 43:10, 43:19, 47:1, 83:22, 84:3, 91:1, 91:5, 91:15, 91:17, 91:19, 92:16, 92:24, 93:17, 94:19, 95:12, 103:16 stay - 20:18, 20:21, 42:25, 85:2 stayed - 84:23 staying - 45:13, 45:18, 49:21, 68:15, 68:18 step - 42:21, 100:9 still - 12:3, 21:25, 63:20, 66:10 stipulate - 70:9, 70:11 stipulated - 69:14 Stop - 42:7 stopped - 17:4, 17:6, 73:12 straining - 13:25 subject - 43:14, 54:3, 54:8 submission - 93:2 submit - 11:9,</p> | <p>45:25, 87:21, 91:16 submitted - 16:14, 37:17, 88:16, 88:23, 90:24 subordinates - 15:21 subsequent - 69:18 subsequently - 12:14 substance - 37:12, 55:3, 74:14, 83:7 subtlety - 38:18 suggesting - 46:22 sum - 55:3, 74:13, 83:6 summoned - 17:4 summons - 17:6 support - 19:21 supposed - 14:7, 24:6, 30:7, 43:24, 47:5, 77:9 supposedly - 51:14 suspect - 23:10 sustain - 56:7, 56:20, 66:17 sustained - 32:16, 85:17 Sustained - 56:10, 66:19, 85:19 switched - 5:25 sworn - 21:3 systemically - 15:5</p> | <p>today - 50:25 together - 30:4 token - 15:16, 15:17 Tonight- 25:17 tonight - 31:7, 34:25 took - 44:24, 46:16, 47:17, 61:11, 61:20, 70:20, 81:3, 82:7, 100:12 top - 29:7 topic - 54:15 totally - 43:20 touch - 98:22 tour - 9:9, 9:15, 10:8, 14:7, 32:18, 46:5, 46:6, 46:10, 57:8 Tour- 32:20, 32:21 town - 70:5 transcribed - 6:2 transcript - 69:10, 69:13, 69:16, 69:21, 104:6 transcripts - 6:4 treat - 20:12 treated - 15:1 trial - 50:13 trouble - 16:21 true - 29:25, 70:12, 104:5 trust - 52:6 Trustee- 2:21, 2:22, 2:23 Trustees- 4:2, 7:7 try - 25:23 trying - 23:12, 37:8, 65:21, 97:8 twelve - 46:5, 46:10 twenty - 29:17, 29:18, 86:21 twenty-eight - 86:21 twenty-seven - 29:17, 29:18 two - 15:17, 32:20, 32:21, 33:2, 62:7, 67:5, 78:4, 87:24 Two- 53:11, 85:11 type - 7:12, 8:6, 51:10 typed - 34:3</p> |
| <p>S</p> | | | <p>T</p> | |
| <p>safety - 15:22 salary - 8:23, 8:24, 9:3, 13:5, 16:11 Saratoga - 58:18, 58:22, 64:15, 97:17, 98:11, 98:12 Satriale - 16:14, 18:8, 18:11, 67:2, 67:12, 67:19, 68:5, 68:12, 76:24, 77:5, 77:18, 78:5, 78:23, 80:8, 80:14, 80:22, 81:3, 82:7, 82:10, 82:18, 83:15, 84:5, 85:21, 95:24, 96:2 saved - 92:20 saw - 22:22, 62:4, 62:23 scheduled - 9:16, 10:8, 32:9, 32:19, 78:17, 83:8 scheduling - 47:11 scheme - 12:1 Schoeneck - 2:10, 5:7 scrambled - 29:1 second - 63:18, 78:17, 78:22, 80:25, 82:10, 83:15, 85:20, 86:7, 95:23, 96:1 Secondly - 44:18 seconds - 83:3</p> | | | <p>T's- 102:6, 103:1 table - 30:23 talks - 13:9 targeted - 14:17 tax - 14:10 taxes - 91:20 Taxter- 3:6 tea - 18:3, 19:25 teeny - 14:19 telephone - 70:22, 71:20, 73:23, 99:9 tempest - 18:3, 19:25 ten - 29:18, 29:19, 30:1 tenth - 35:22, 59:12, 59:16 tenure - 15:4 Terence- 2:15, 5:8 termination - 12:5, 12:9 testified - 21:5, 23:24, 24:1, 90:24 testify - 19:24, 45:17 testimony - 35:23, 38:19, 39:11, 69:17, 70:7, 88:17 therefore - 20:21 they've - 49:19 third - 13:18, 40:13, 55:24, 62:8 thirteen - 28:24, 28:25, 29:3, 29:8, 29:17, 29:19 thirteenth - 30:2 Thomas- 1:6, 4:10, 5:12, 21:9 three - 9:6, 10:25, 29:9, 47:11, 49:25, 65:14, 65:25, 67:9, 85:11, 85:14, 94:6 three-fold - 9:6 throw - 36:20, 65:6 timing - 52:7</p> | <p>U</p> |
| | | | <p>ultimately - 17:23, 93:5 Ultimately - 94:17 un-navigate - 51:21 unable - 98:22 unaware - 51:9 Unconsolidated - 4:7 under - 9:2, 12:10, 12:18, 12:21, 12:23, 12:24, 13:20, 34:18, 44:9, 47:10 underaged - 16:18 Underhill - 2:23, 4:19, 27:24, 31:23, 75:9 underlining - 90:12 understood - 44:21, 45:25 unduly - 49:3 unfortunately - 51:20 Unfortunately - 42:10 uniform - 45:22</p> | |

| | |
|--|--|
| unilateral - 31:19 unilaterally - 27:2 union - 19:14, 77:7, 77:14, 77:18, 78:2, 78:10, 78:14 unions - 7:22, 19:12 Unless - 47:13 untimely - 93:2 unusual - 8:6 up - 16:9, 29:1, 32:12, 35:5, 41:25, 45:1, 45:23, 84:23 upstairs - 99:6 | 42:2, 42:8, 46:4, 49:11, 52:11, 55:14, 70:1, 70:7, 70:14, 88:11, 90:6, 92:8, 92:12, 93:18, 94:8, 95:5 witnesses - 18:23, 47:9, 49:9, 69:18 words - 96:7 worker's - 8:18 world - 13:12 writing - 13:23, 43:17, 47:14, 87:22, 89:19, 91:11, 91:25 Written - 33:6, 33:9, 102:21 written - 34:12, 47:17, 48:6, 88:18, 88:23, 90:25, 91:14, 92:22 wrote - 34:14 |
| V | |
| vacuum - 18:14 Vaguely - 99:14 Various - 10:14 Verbatim - 83:5 verbatim - 83:6 Vernon - 73:10 view - 31:21 Village - 1:1, 2:11, 4:2, 4:10, 5:3, 10:22, 13:8, 15:9, 15:11, 17:5, 22:4, 41:1 violated - 10:12, 10:18, 41:3, 46:20, 46:21, 62:6, 63:1 Violating - 55:5 violation - 44:9, 47:21 visible - 38:21 visit - 70:2, 96:23 visited - 69:19, 70:15 visits - 69:11 voluntarily - 48:2 | Y year - 87:15, 91:6 years - 13:22, 14:16, 15:16, 43:9, 49:25, 67:10, 85:11, 87:24 York - 1:8, 1:24, 2:7, 2:14, 3:7, 4:6, 7:13, 21:5, 21:11, 98:12 yourself - 61:15, 68:7, 68:13, 94:7 youth - 16:18 |
| W | |
| waiving - 54:22 walked - 18:11 Wanda - 1:23, 21:3, 104:10 wants - 24:10, 42:16, 44:2 warping - 13:25 waste - 14:10, 18:4 wealthy - 17:11 weight - 48:15, 50:6, 50:7, 50:11, 50:15 welfare - 16:17 well-connected - 17:11 Westchester - 10:21 whereabouts - 9:22, 57:24, 60:12, 60:16 whereas - 40:6, 40:25 whisper - 38:13 whispered - 52:5 whispers - 37:23 White - 2:7, 17:5 Whites - 17:10 whole - 6:14, 85:2 William - 2:21, 4:16 withdraw - 80:19 withdrawn - 80:11, 80:12 withholding - 13:5 witness - 20:13, 20:15, 20:17, 20:21, 22:19, 23:13, 23:19, 24:7, 26:3, 28:21, 33:22, 40:9, 40:15, 41:19, 41:20, 41:22, | |

VILLAGE OF BRONXVILLE
BOARD OF POLICE COMMISSIONERS

-----x
IN THE MATTER OF DISCIPLINARY CHARGES
DATED AUGUST 21, 2006,

-preferred against-

POLICE OFFICER THOMAS KEMPKE,

-----x
Bronxville Library
Yeager Community Room
January 4, 2007
6:30 p.m.

D I S C I P L I N A R Y H E A R I N G

CARBONE & ASSOCIATES, LTD.

Melissa Sasso

111 North Central Park Avenue

Hartsdale, New York 10530

(914) 684-0201

COPY

A P P E A R A N C E S:

LOVETT & GOULD, ESQS.
Attorneys for OFFICER KEMPKE
222 Bloomingdale Road
White Plains, New York 10605
BY: JONATHAN LOVETT, ESQ.

BOND, SCHOENECK & KING, PLLC
Attorneys for the DEPARTMENT
1399 Franklin Avenue - Suite 200
Garden City, New York 11530-1679
BY: TERENCE M. O'NEIL, ESQ. and
CHRISTOPHER T. KURTZ, ESQ.

ALSO PRESENT:
THE BOARD OF POLICE COMMISSIONERS -
MARY C. MARVIN - MAYOR
GLENN D. BELLITTO - DEPUTY MAYOR
WILLIAM BARTON, JR. - TRUSTEE
ANNE POORMAN - TRUSTEE
ROBERT UNDERHILL - TRUSTEE

HITSMAN HOFFMAN & O'REILLY, LLC.
COUNSEL TO THE BOARD
570 Taxter Road
Elmsford, New York 10523
BY: JOHN F. O'REILLY, ESQ.

1 MAYOR MARVIN: We are going to start
2 tonight's hearing. It's the continuation
3 of the Board of Police Commissioners
4 meeting first convened on December 13,
5 2006, and I believe we are at, Mr. O'Neil,
6 I assume you were going to be prepared to
7 call another witness.

8 MR. O'NEIL: That's correct.

9 MAYOR MARVIN: Before I do, for the
10 record I just want to state that I
11 received, as well as board members, a
12 letter signed by Officer Kempkes dated
13 December 21, 2006, and I would just like
14 this letter marked for identification only
15 as Board Exhibit 2. Do the attorneys have
16 it?

17 MR. O'REILLY: Yes, I'm going to
18 give them a copy right now.

19 MR. LOVETT: Why don't we correct
20 the record, unless you just didn't read
21 the letter accurately, Ms. Mayor. It is
22 not sent to you by Officer Kempkes. It is
23 sent to you by him in a civilian capacity.

24 MAYOR MARVIN: Yes, it is sent from
25 Thomas A. Kempkes of Eastchester.

Proceedings

116

1 MR. LOVETT: Right.

2 MAYOR MARVIN: Yes.

3 MR. O'NEIL: I think this will be
4 Board's Exhibit 3.

5 MR. O'REILLY: What was 2 last time?

6 MR. KURTZ: We had a February 26th
7 Board's 1, and 11/20 Notice of Rehearing
8 as Board's 2.

9 MR. O'REILLY: So this will be Board
10 Exhibit 3.

11 MAYOR MARVIN: Okay, so it's Board
12 Exhibit 3. Do both attorneys have a copy
13 of this?

14 MR. O'NEIL: No.

15 MR. O'REILLY: I'm going to give
16 them a copy.

17 MAYOR MARVIN: Okay.

18 MR. LOVETT: Is there any particular
19 reason why this is being marked as an
20 exhibit?

21 MAYOR MARVIN: Because this was sent
22 to my home, and I thought I should mark it
23 for identification.

24 MR. O'REILLY: It's not being marked
25 as an exhibit, just marked for

Proceedings/Direct - Satriale

117

1 identification.

2 MR. LOVETT: Okay.

3 (Whereupon, a letter was received
4 and marked as Board's Exhibit 3, for
5 identification, as of this date.)

6 MAYOR MARVIN: Mr. O'Neil, whenever
7 you are ready.

8 MR. O'REILLY: Can I just first ask
9 Counsel to take a look around the room and
10 see if there is anybody here that you
11 intend to call as a witness, other than
12 Officer Kempkes and Chief Downey?

13 MR. O'NEIL: Lieutenant Satriale,
14 but he's going to be our next witness.

15 MR. O'REILLY: Okay, anybody else?

16 MR. O'NEIL: I don't see anybody
17 else.

18 MR. O'REILLY: Mr. Lovett?

19 MR. LOVETT: No.

20 MR. O'NEIL: We call Lieutenant
21 Satriale.

22 L I E U T E N A N T S A T R I A L E, the Witness
23 herein, after having been first duly sworn by
24 Melissa Sasso, a Notary Public of the State of New
25 York, was examined and testified as follows:

Direct - Satriale

118

1 DIRECT EXAMINATION BY MR. O'NEIL:

2 Q Lieutenant Satriale, by whom are
3 you employed?

4 A Village of Bronxville.

5 Q In what capacity?

6 A Police Lieutenant.

7 Q How long have you been a
8 Lieutenant?

9 A I'll complete 19 years in August.

10 Q 19 years as a Lieutenant, or --

11 A No, as a Lieutenant three years.

12 Q How many years have you been on the
13 job?

14 A 19 years.

15 Q What other ranks have you held, and
16 for what period of time in the department?

17 A I joined the department in 1988 as
18 a police officer. I was assigned to the Detective
19 Division in 1992. I was promoted to Patrol
20 Sergeant in 1996. I was promoted to Detective
21 Sergeant in 2000, and then a Lieutenant in 2003.

22 Q And can you tell me the duties you
23 perform as a Lieutenant?

24 A I'm the Patrol Commander. I
25 oversee the Patrol Division, and at this point in

Direct - Satriale

119

1 time I oversee the Detectives.

2 Q And was that also your function on
3 July 6th of 2006?

4 A Yes.

5 MR. O'NEIL: I'm going to ask that
6 the witness be shown Department's
7 Exhibit 2.

8 (Whereupon, a document was handed
9 to the witness.)

10 Q Lieutenant Satriale, you have been
11 shown a document that has been marked in evidence
12 as Department's Exhibit 2. I ask you whether you
13 are familiar with that document?

14 A Yes, I am.

15 Q Can you tell me what it is?

16 A These are the Village of Bronxville
17 Police Department Rules and Regulations, and the
18 Duties of Conduct.

19 Q When did you first receive a copy
20 of those, if at all?

21 A 1988.

22 MR. O'NEIL: Can I also ask that the
23 witness be shown a document that has been
24 marked for identification as Department's
25 Exhibit 3, and I believe I have the one

Direct - Satriale

120

1 that was marked, and, I'm sorry, it's 3A,
2 and I believe that you kept the copies
3 from the last time. There was an issue at
4 the end of the last hearing about what we
5 were going to do with this exhibit. I
6 think everyone should have copies of them.
7 I asked if everybody had their written
8 notes on them, and I believe they ended up
9 in our custody.

10 MR. LOVETT: Which are you showing
11 him, 3?

12 MR. O'NEIL: 3A.

13 MR. LOVETT: Okay.

14 MR. O'NEIL: Off the record.

15 (Whereupon, an off the record
16 discussion took place.)

17 MR. O'NEIL: Can I also ask that the
18 witness be shown Department Exhibit 3B
19 entitled Written Direct Distribution List?

20 MR. O'REILLY: Dated March 10, 1999?

21 MR. O'NEIL: Correct.

22 (Whereupon, a document was handed
23 to the witness.)

24 Q Lieutenant Satriale, I'm going to
25 ask you to look at Department's Exhibit 3B and ask

Direct - Satriale

121

1 you whether you can identify that document for us?

2 A Yes.

3 Q And does your signature appear
4 anywhere on that document?

5 A Yes, it does.

6 Q Is there a date next to your
7 signature on that document?

8 A Yes.

9 Q What's the date next to your name?

10 A March 14, 1999.

11 Q I'm going to refer you now to
12 Department's Exhibit 3A and ask you whether you can
13 identify that document for us?

14 A Yes.

15 Q Can you tell us what it is?

16 A This is the sick leave policy and
17 procedures for the Bronxville Police Department.

18 Q And was that ever given to you?

19 A Yes.

20 Q Do you know when it was given to
21 you?

22 A I would have been issued a copy in
23 1995 when it was originally issued, and then the
24 revision date of March 11, '99 is what is reflected
25 by my signature, three days later when I came to

Direct - Satriale

122

1 work.

2 Q When you say by your signature on
3 the document, you are holding up Department's 3B?

4 A Correct.

5 Q So you would have signed for the
6 receipt of that on March the 14th?

7 A Yes.

8 Q Since your receipt of that document
9 on March the 14th in 1999, are there any other sick
10 leave policy and procedures distributed in the
11 department?

12 A No.

13 Q On the bottom of Exhibit 3A there
14 is a marking. It looks like it may even be stamped
15 as an attachment number one?

16 A Yes.

17 Q Do you know what that is from?

18 A Whoever made this copy made a copy
19 of the policy from my internal report that I
20 submitted to the Chief, and I would have stuck a
21 sticker on my copy of the policy.

22 MR. O'NEIL: I'd like to move that
23 that be received in evidence, at this
24 time, ignoring the reference to the
25 attachment on the bottom.

Direct - Satriale

123

1 MR. LOVETT: I have no objection,
2 but I cannot ignore the word attachment
3 with the word number one riveted on it.

4 MAYOR MARVIN: Okay.

5 MR. O'REILLY: So received.

6 MAYOR MARVIN: So it is received.

7 MR. O'NEIL: Thank you.

8 (Whereupon, Department's Exhibit
9 3A, previously marked for identification
10 was received in evidence.)

11 MR. O'NEIL: Can we have this marked
12 for identification as Department's
13 Exhibit 9?

14 (Whereupon, a memorandum was
15 received and marked as Department's
16 Exhibit 9, for identification, as of this
17 date.)

18 Q Lieutenant Satriale, I'm asking you
19 to look at a document that has been marked for
20 identification as Department's Exhibit 9 and ask
21 you whether you can identify that document for us?

22 A Yes.

23 Q Can you tell us what that is?

24 A This is a memorandum from the Chief
25 of Police dated August 5, 2003, and it details the

Direct - Satriale

124

1 --

2 MR. LOVETT: Objection as to what it
3 says. It is not in evidence.

4 MR. O'NEIL: I thought he was
5 identifying the document?

6 MR. LOVETT: Yes, he did, and he was
7 about to say what it talks about. That is
8 impermissible.

9 MR. O'NEIL: I didn't know you could
10 read his mind as to what he was about to
11 talk about.

12 MAYOR MARVIN: All right,
13 Lieutenant, just identify the document.

14 A It's a memorandum from the Chief of
15 Police dated August 5, 2003.

16 MAYOR MARVIN: Okay, thank you.

17 Q Do you recall ever having seen that
18 document before?

19 A Yes.

20 Q When did you see it?

21 A August of 2003, and July of 2006.

22 Q And where did you first see it in
23 August of 2003?

24 A Posted on the department bulletin
25 board.

Direct - Satriale

125

1 Q And in 2006 under what
2 circumstances did you see this document?

3 A Part of my investigative file for
4 this case.

5 MR. O'NEIL: I would like to move
6 that this be received in evidence, at this
7 time.

8 MR. LOVETT: Over my objection.
9 You're compounding the reversible error
10 that has already been committed, not only
11 in the drafting of the charges, but as to
12 what was said last time. You can't prove
13 prior convictions before you determine
14 guilt in this set of charges, but if Mr.
15 O'Reilly insists, I'm sorry, if Mr. O'Neil
16 insists you are going to receive it over
17 my objection.

18 MAYOR MARVIN: Okay.

19 MR. LOVETT: There is a way this
20 could have been prevented about prior
21 notice without tainting the record, and
22 it's self evident as to how it could have
23 been done, but the record has been
24 polluted, so I suppose you will add more
25 to it.

Direct - Satriale

126

1 MAYOR MARVIN: Well, I'm prepared to
2 overrule that objection.

3 (Whereupon the Board was polled.)

4 MAYOR MARVIN: Okay, objection
5 overruled.

6 MR. O'REILLY: Received in evidence.

7 MAYOR MARVIN: And that will be
8 received in evidence.

9 (Whereupon, Department's Exhibit 9,
10 previously marked for identification was
11 received in evidence.)

12 Q Lieutenant Satriale, were you
13 working on July the 6th of 2006?

14 A Yes, sir.

15 Q And what hours did you work?

16 A 8:00 a.m. to 4:00 p.m.

17 MR. O'NEIL: And I'm going to ask
18 that this document be marked for
19 identification as Department's Exhibit 10.

20 (Whereupon, a roll call sheet was
21 received and marked as Department's
22 Exhibit 10, for identification, as of this
23 date.)

24 Q Lieutenant Satriale, I'm going to
25 ask you to look at a document that has been marked

Direct - Satriale

127

1 for identification as Department's Exhibit 10 and
2 ask you whether you can identify that for us?

3 (Whereupon, the witness peruses a
4 document.)

5 A Yes.

6 Q What is that?

7 A This is what we refer to as our
8 roll call for that date. That is basically just a
9 schedule of the officers that are to work on a
10 specific date in the police department.

11 Q And who prepares that document?

12 A It is prepared in our computer
13 system.

14 Q Is that a copy of the roll call
15 sheet that was in effect on July the 6th of 2006?

16 A Yes, with the exception of the
17 attachment number four, for the same reason as
18 number one.

19 MR. O'NEIL: I would like to ask
20 that that be received in evidence, at this
21 time.

22 MR. LOVETT: No objection.

23 MAYOR MARVIN: Okay, so received in
24 evidence.

25 (Whereupon, Department's Exhibit

Direct - Satriale

128

1 10, previously marked for identification
2 was received in evidence.)

3 MR. O'NEIL: I'm going to ask that
4 the next document be marked for
5 identification as Department's Exhibit 11.

6 (Whereupon, a log was received and
7 marked as Department's Exhibit 11, for
8 identification, as of this date.)

9 Q Lieutenant Satriale, I'm going to
10 ask you to look at a document that has been marked
11 for identification as Department's Exhibit 11 and
12 ask you whether you can identify that for us?

13 (Whereupon, a document was handed
14 to the witness to peruse.)

15 A Yes.

16 Q Can you tell us what that is?

17 A This is a copy of the desk
18 officer's log that's generated by our computer
19 record system.

20 Q And for what date?

21 A It was generated on April 26th of
22 2006 at 8:15 in the morning.

23 MR. O'NEIL: I'm going to ask that
24 that be received in evidence, at this
25 time.

Direct - Satriale

129

1 MR. LOVETT: No objection.

2 MAYOR MARVIN: Okay, it is received
3 in evidence.

4 (Whereupon, Department's Exhibit
5 11, previously marked for identification
6 was received in evidence.)

7 MR. O'NEIL: I'm going to ask that
8 this be marked as Department's Exhibit 12.

9 (Whereupon, a doctor's note was
10 received and marked as Department's
11 Exhibit 12, for identification, as of this
12 date.)

13 Q Okay, Lieutenant Satriale, I'm
14 going to ask you to look at a document that has
15 been marked for identification as Department's
16 Exhibit 11 --

17 MR. O'REILLY: 12.

18 Q -- and ask you whether you can
19 identify that for us?

20 MR. KURTZ: It's Department's 12.

21 Q I'm sorry, Department's Exhibit 12.

22 A Yes.

23 Q Can you tell us what that is?

24 A This is a handwritten note from Dr.
25 James H. Carr.

Direct/Voir Dire - Satriale

130

1 Q And I'm going to ask you to look at
2 Department's Exhibit 11, the narrative portion, and
3 ask you whether in fact that's the note that is
4 referred to in the narrative portion of
5 Department's Exhibit 11?

6 (Whereupon, the witness peruses a
7 document.)

8 A Yes.

9 MR. O'NEIL: I would like to move
10 that that be received in evidence, at this
11 time.

12 MR. LOVETT: Voir dire?

13 MR. O'REILLY: Go ahead.

14 VOIR DIRE BY MR. LOVETT:

15 Q Do you know the person who wrote
16 Exhibit 12 for ID?

17 A No, sir.

18 Q Were you present when the
19 individual who wrote it in fact wrote it?

20 A No, sir.

21 Q Are you familiar with the person's
22 handwriting, as it appears in Exhibit 12 for ID?

23 A No.

24 Q Based on your personal knowledge,
25 and bearing in mind you are testifying under

Voir Dire - Satriale

131

1 penalty of perjury, who wrote what is now Exhibit
2 12 for ID?

3 A Dr. Carr.

4 Q How can you swear to that if you
5 don't know his handwriting, you didn't see who
6 write it, and you don't know in fact who wrote it?

7 A This is the note that your client
8 presented from his doctor to keep him out injured,
9 so I assume it was a legitimate note from his
10 doctor.

11 Q Aside from the assumption, do you
12 know whether in fact that is a note from his
13 doctor?

14 A No, I don't.

15 MR. LOVETT: I object to the receipt
16 of this document. There is no foundation.

17 MR. O'NEIL: Well, the foundation is
18 that this is the letter that is identified
19 in the narrative of Department's Exhibit
20 11, and the witness has said that this is
21 the note that was submitted by Officer
22 Kempkes. Whether or not his doctor
23 prepared it or not is kind of irrelevant.
24 It's the note he submitted to the
25 department. Whether it is legitimate or

Voir Dire - Satriale

132

1 fraudulent has no relevance, at this time.

2 MR. LOVETT: Speaking of
3 irrelevance, the fact that Exhibit 12 for
4 ID exists and somebody cleverly made
5 reference to what is apparently 12 for ID,
6 and 11 doesn't matter. You can't
7 bootstrap yourself with thin air, and that
8 is what they are doing here, but I'm sure
9 you will let it into evidence.

10 MAYOR MARVIN: Okay, Officer
11 Satriale I'm going to ask you when you got
12 this copy under what circumstances you
13 received it?

14 LIEUTENANT SATRIALE: Officer
15 Kempkes has been out on a long-term
16 injury, and he's --

17 MR. LOVETT: Move to strike as non
18 responsive. He was asked where he got it,
19 not for a history.

20 MR. O'NEIL: He hasn't finished his
21 answer.

22 MR. LOVETT: His answer is
23 unresponsive.

24 MR. O'REILLY: All right, let the
25 witness finish his answer, and then we

Voir Dire - Satriale

133

1 will hear whatever you have to say with
2 regard to his answer. You can move to
3 strike after he has answered the question,
4 if you'd like.

5 MR. LOVETT: No, I'll do as I
6 please, thank you.

7 A And he would periodically give us
8 updates for this in either this type of note, or
9 fax us something at the office, or drop off the
10 documents. On this date he was due for an update,
11 or due to come back for work. I received this in
12 my mailbox. When you receive this in the mailbox
13 it gives you a date he's going to be reevaluated.
14 I generated 11 in our computer to document in our
15 in-house system that we received another note that
16 claims he is still disabled and he won't be back to
17 work for his next evaluation.

18 MAYOR MARVIN: Was this the only
19 letter, or you said you received these
20 previously?

21 LIEUTENANT SATRIALE: Multiple. This
22 is in the middle of his absence.

23 MAYOR MARVIN: So this is a series?

24 LIEUTENANT SATRIALE: Correct.

25 MAYOR MARVIN: Okay, I'm prepared to

Voir Dire/Direct - Satriale

134

1 allow it into evidence.

2 MR. LOVETT: Before you do, based on
3 your questions I have some additional voir
4 dire.

5 MR. O'REILLY: Sure.

6 CONTINUED VOIR DIRE BY MR. LOVETT:

7 Q You say 12 for ID appeared in your
8 mailbox?

9 A Yes.

10 Q Were you there when it appeared?

11 A No.

12 Q Do you know who put it there?

13 A No.

14 Q Do you know the source of the
15 letter, based on personal knowledge?

16 A No, sir.

17 MR. LOVETT: You've got no
18 foundation, but I know you are going to
19 let it in anyhow, over my objection.

20 MR. O'REILLY: Mr. O'Neil, do you
21 have any questions?

22 CONTINUED DIRECT EXAMINATION BY MR. O'NEIL:

23 Q Did you ever have any discussions
24 with Officer Kempkes about this letter.

25 A No.

Direct - Satriale

135

1 Q Were there other letters submitted
2 by this same doctor by Officer Kempkes?

3 A Yes.

4 MR. LOVETT: Objection. There is no
5 evidence that Officer Kempkes submitted 12
6 for ID. The form of the question is
7 impermissible.

8 MAYOR MARVIN: Could you rephrase
9 your question?

10 MR. O'NEIL: If you believe it is
11 necessary I will.

12 Q Were there letters submitted to you
13 by Officer Kempkes from Dr. Carr?

14 A Yes.

15 Q The letters that you just testified
16 about that had been submitted to you from Dr. Carr,
17 how were they transmitted to you?

18 A Either by fax or delivered to my
19 mailbox.

20 MR. O'NEIL: I would like to move
21 that it be received in evidence.

22 MAYOR MARVIN: Okay, I'm prepared to
23 accept it as evidence.

24 (Whereupon the Board was polled.)

25 MR. UNDERHILL: Yes.

Direct - Satriale

136

1 MAYOR MARVIN: It will be received
2 in evidence.

3 (Whereupon, Department's Exhibit
4 12, previously marked for identification
5 was received in evidence.)

6 Q Lieutenant Satriale, it says on
7 Exhibit 10 that Officer Kempkes was scheduled for
8 tour. Can you tell us what tour he was scheduled
9 for, on that date?

10 A It says 2L. That's the late man
11 tour. That's 8:00 a.m. to 4:00 p.m.

12 Q Did he show up on that tour at 8:00
13 a.m.?

14 A No.

15 Q Can you tell us prior to July the
16 6th in 2006 when the last time Officer Kempkes had
17 worked a full tour?

18 MR. LOVETT: Objection. How can he
19 possibly tell you anything before that
20 date? It's after that date.

21 MR. O'NEIL: Excuse me?

22 MR. LOVETT: How can he tell the
23 Board anything before a date that already
24 has come and gone? The question is
25 improper as to form.

Direct - Satriale

137

1 MAYOR MARVIN I'm afraid you lost me
2 on that one, Mr. Lovett. I'll overrule
3 that objection.

4 A He had been out in excess of over a
5 year, so I don't know the date prior to July of
6 '06.

7 Q As Lieutenant in charge of the tour
8 on July the 6th, can you tell us what, if anything,
9 you did with regard to his absence on that day?

10 A I directed Sergeant Mitchell to
11 call him at home and have him come clean out his
12 physical mailbox, and check his electronic e-mails.

13 Q So what was Sergeant Mitchell's
14 duties as of that day?

15 A He was the Desk Sergeant working
16 7:00 a.m. to 3:00 p.m.

17 Q Prior to July the 6th of 2006 had
18 you ever directed the Desk Sergeant to call Officer
19 Kempkes to come in and perform similar tasks?

20 A Yes.

21 Q Do you recall on, approximately,
22 how many occasions?

23 A No more than five.

24 Q Following the directive you gave to
25 Sergeant Mitchell to call Officer Kempkes, did you

Direct - Satriale

138

1 have any conversations with Sergeant Mitchell about
2 that directive?

3 A Yes.

4 Q Can you tell us what he told you
5 with regard to his call?

6 MR. LOVETT: Objection. It is rank
7 hearsay, and I presume Mitchell is going
8 to be testifying as a witness.

9 MR. O'NEIL: He is, and it is
10 subject to connection, and it's not
11 hearsay about what Sergeant Mitchell told
12 Lieutenant Satriale, which then
13 precipitated a certain action on his part,
14 whether or not he was actually a
15 participant of the conversation with
16 Sergeant Mitchell.

17 MR. LOVETT: I'll stipulate he was a
18 participant in the conversation, but what
19 he was told by Mitchell is rank hearsay,
20 and dressing it up with a pretty skirt
21 doesn't change the subject matter. It's
22 impermissible, but I'm sure you'll
23 overrule it.

24 MAYOR MARVIN: I am prepared to
25 overrule that objection.

Direct - Satriale

139

1 (Whereupon the Board was polled.)

2 MR. UNDERHILL: Overruled.

3 MAYOR MARVIN: It's overruled.

4 MR. O'REILLY: Can you answer the
5 question?

6 Q Do you remember the question?

7 A You may have to repeat that one.

8 MR. O'NEIL: Sure. Could you read it
9 back, please?

10 (Whereupon, the last question was
11 read back by the reporter.)

12 A He told me no one answered the
13 phone and he left a message on the answering
14 machine.

15 Q Upon receipt of that information
16 from Sergeant Mitchell, can you tell me what, if
17 anything, you did with regard to Police Officer
18 Kempkes' whereabouts on July the 6th?

19 A Yes, I went to his home.

20 Q Had you been to his home before?

21 A Yes.

22 Q And can you tell us, for purposes
23 of this proceeding I think we have limited the
24 identification of Police Officer Kempkes' home to a
25 particular town. Do you know where that is?

Direct - Satriale

140

1 MR. LOVETT: We did, but then the
2 Mayor violated that agreement by shuffling
3 for ID Board's Exhibit 3.

4 MAYOR MARVIN: We can block out the
5 address on Board's Exhibit 3 and just
6 leave Eastchester.

7 MR. LOVETT: It's not blocked out on
8 the copy that was given to me.

9 MR. O'REILLY: It's not part of the
10 record, in any event.

11 MR. O'NEIL: It's marked for
12 identification.

13 MR. LOVETT: So what?

14 MR. O'REILLY: So it's not part of
15 the record.

16 MR. LOVETT: It's really not
17 properly part of anything, much less for
18 ID, but since the Mayor went out of her
19 way to put that in, to make reference to
20 it, seems to me that the agreement has
21 been breached. Sorry, I didn't mean to
22 interrupt you.

23 MAYOR MARVIN: Mr. O'Neil?

24 MR. O'NEIL: I think there is a
25 question pending.

Direct - Satriale

141

1 A Yes, Eastchester.

2 Q Eastchester, thank you. Had you
3 been to his house previously?

4 A Yes.

5 Q Under what circumstances?

6 A To check on whether or not he had
7 been home during his scheduled tour of duty.

8 Q And, approximately, how long a
9 drive is it from the police department to his home?

10 A Five minutes.

11 Q Upon arrival at Police Officer
12 Kempkes' home on July the 6th, can you tell me
13 what, if anything, you first did with regard to his
14 whereabouts?

15 A I rang the doorbell.

16 Q What happened when you rang the
17 doorbell, if anything?

18 A The dogs inside the home began to
19 bark, and I received no response at the door.

20 Q After having rang the doorbell and
21 getting no response, what, if anything, did you do
22 after that with regard to his whereabouts?

23 MR. LOVETT: Objection as to having
24 rang, R-A-N-G, the doorbell, the form.

25 MR. O'NEIL: It's not ring, rang,

Direct - Satriale

142

1 rung?

2 MR. LOVETT: Have rung, yes.

3 MAYOR MARVIN: Have rung.

4 MR. O'NEIL: Those nuns. You have to
5 blame the nuns.

6 Q Do you understand the question?

7 A I got it. I walked to the back of
8 the home to ensure that nobody was on the rear
9 deck, and then walked back to the front of the
10 house.

11 Q Did you see Officer Kempkes, at any
12 time, at that point?

13 A No.

14 Q After ringing the bell and walking
15 around the house, what, if anything, did you next
16 do to ascertain the whereabouts of Police Officer
17 Kempkes?

18 A I remained in the driveway for a
19 period of time, called Sergeant Mitchell at the
20 police desk, and directed him to make another
21 telephone call to Officer Kempkes' home, and if he
22 received a response to have him come to the front
23 door, because I was in the driveway.

24 Q Following that conversation with
25 Sergeant Mitchell did he get back to you?

Direct - Satriale

143

1 A Yes.

2 Q Can you tell us what he told you,
3 at that time?

4 MR. LOVETT: Objection, rank
5 hearsay.

6 MAYOR MARVIN: I'm prepared to
7 overrule the objection.

8 (Whereupon the Board was polled.)

9 MAYOR MARVIN: Yes, objection
10 overruled.

11 A He told me he received the same
12 answering machine and that he left a message.

13 Q After receiving that information
14 from Sergeant Mitchell did you give him any
15 directives?

16 A Yes, I directed him to e-mail me in
17 our department record system detailing his two
18 telephone calls to the home.

19 MR. O'NEIL: I'm going to ask that
20 this document be marked for identification
21 as Department's Exhibit 13.

22 (Whereupon, an e-mail was received
23 and marked as Department's Exhibit 13, for
24 identification, as of this date.)

25 Q Can you look at a document that has

Direct/Voir Dire - Satriale

144

1 been marked for identification, Lieutenant
2 Satriale, as Department's Exhibit 13?

3 (Whereupon, the witness peruses a
4 document.)

5 Q I'm going to ask you whether or not
6 you can identify that document for us?

7 A Yes.

8 Q What is that?

9 A It's a copy of the e-mail that
10 Sergeant Mitchell sent to me.

11 Q And the date and the time appear to
12 be accurate to you?

13 A Yes, July 6, 2006 at 11:55 and 38
14 seconds in the morning.

15 MR. O'NEIL: I'd like to move that
16 that be received in evidence, again,
17 without the reference to the attachment
18 file.

19 MR. LOVETT: Voir dire?

20 MAYOR MARVIN: Yes.

21 VOIR DIRE BY MR. LOVETT:

22 Q Do you know whose phone number that
23 is on the second line of that e-mail?

24 A I don't have that number committed
25 to memory, no.

Direct/Voir Dire - Satriale

145

1 Q Incidentally, how do you know that
2 Mitchell sent you this e-mail, 13 for ID?

3 A Because unless his password has
4 been compromised, he's the only one that can access
5 his e-mail to send to another person.

6 Q Separate and apart from 13 for ID,
7 did Mitchell tell you that that is the phone number
8 that he dialed?

9 A No.

10 Q Did he give you any other phone
11 number that he dialed?

12 A No.

13 MR. LOVETT: I have no objection.

14 MAYOR MARVIN: Okay, we'll accept
15 that as evidence.

16 MR. LOVETT: But I also ask that the
17 telephone number be redacted, at least to
18 the extent of the last four digits.

19 MR. O'NEIL: Is that still his
20 number?

21 MR. LOVETT: Is it what?

22 MR. O'NEIL: Is that still his
23 telephone number?

24 MR. LOVETT: Well, when you want to
25 take my testimony subpoena me.

Direct/Voir Dire - Satriale

146

1 MR. O'NEIL: Because if it's not
2 then there is no reason to redact it.

3 MR. O'REILLY: Fine. Can you give us
4 the reason why you are asking for the four
5 digits to be redacted?

6 MR. LOVETT: Privacy of whoever's
7 telephone number that is.

8 MR. O'REILLY: Well, whose number is
9 it?

10 MR. LOVETT: It ain't my clients,
11 that's for sure. I can give you comfort
12 knowing that, and I'm sure that the
13 Sergeant can explain how he cleverly
14 managed to call the wrong number, but that
15 will be later in the hearing.

16 MR. O'REILLY: So it's for the
17 privacy of an unknown person is what you
18 are saying?

19 MR. LOVETT: Right. What difference
20 does it make?

21 MR. O'NEIL: Under those conditions
22 we have no objection.

23 MAYOR MARVIN: Okay. We will redact
24 the last four digits.

25 MR. LOVETT: Thank you.

Direct - Satriale

147

1 (Whereupon, Department's Exhibit
2 13, previously marked for identification
3 was received in evidence.)

4 CONTINUED DIRECT EXAMINATION BY MR. O'NEIL:

5 Q After having the conversation with
6 Sergeant Mitchell on that date, Lieutenant
7 Satriale, can you tell me how much longer you
8 remained at the residence of Officer Kempkes?

9 A I was there for about an
10 hour-and-a-half.

11 Q Total?

12 A Yes.

13 Q How did you get to the residence of
14 Officer Kempkes?

15 A Drove there.

16 Q In what kind of vehicle?

17 A A police truck.

18 Q Where did you park it?

19 A In his driveway.

20 MR. LOVETT: Asked and answered. He
21 already testified about that.

22 MR. O'NEIL: Where he parked the
23 truck?

24 MAYOR MARVIN: No.

25 MR. O'NEILL: Are you at another

Direct - Satriale

148

1 hearing?

2 MR. LOVETT: I don't think so.

3 MAYOR MARVIN: Continue.

4 A In his driveway.

5 Q Prior to your leaving, where did
6 you stay around Officer Kempkes' residence?

7 A In the driveway.

8 Q In the truck?

9 A Yes.

10 Q Okay. After having spoken to
11 Sergeant Mitchell, and before leaving, did you have
12 any additional telephone calls while at Officer
13 Kempkes' home with regard to his whereabouts?

14 A Yes.

15 Q Who did you call, if anyone?

16 A Detective Steven Gallo.

17 Q What, if anything, did you tell
18 Detective Gallo with respect to this issue?

19 A I directed him to contact Officer
20 Kempkes on his cell phone and ascertain his
21 whereabouts.

22 Q Did you then hang up with Officer
23 Gallo?

24 A Yes.

25 Q Following that conversation with

Direct - Satriale

149

1 Detective Gallo, I'm sorry, did he call you back?

2 A Yes.

3 Q And what did he tell you?

4 MR. LOVETT: Objection, hearsay,
5 although I'm sure Gallo is coming in.

6 MAYOR MARVIN: I'm prepared to
7 overrule that objection.

8 (Whereupon the Board was polled.)

9 MAYOR MARVIN: Objection overruled.

10 A He told me he left a voicemail
11 message on his cell phone.

12 Q On whose cell phone?

13 A Officer Kempkes'.

14 Q Did you have any further
15 conversation with regard to Officer Kempkes'
16 whereabouts while you were at his house?

17 A On his phone call from Detective
18 Gallo to me I directed him after he told me he left
19 the voicemail to come up and relieve me at the
20 home.

21 Q Did in fact Detective Gallo arrive
22 to relieve you?

23 A Yes.

24 Q Do you recall, approximately, what
25 time that was?

Direct - Satriale

150

1 A 12:30.

2 Q When Detective Gallo arrived, what,
3 if any, conversations did you have with him with
4 regard to Officer Kempkes' whereabouts?

5 MR. LOVETT: Objection, hearsay.

6 MAYOR MARVIN: I'm prepared to
7 overrule.

8 (Whereupon the Board was polled.)

9 MAYOR MARVIN: Objection overruled.

10 A I directed him to remain in the
11 driveway, remain in the home, and when Officer
12 Kempkes returned home, if he did, to have him
13 contact the police department.

14 Q Following that conversation, and
15 prior to leaving Officer Kempkes' residence, what,
16 if anything, else did you do to determine Officer
17 Kempkes' whereabouts?

18 A At 12:30, before leaving I rang the
19 bell for what would have been the third time during
20 my hour and 23 or 30 minutes of being there.

21 Q What occurred after you rang the
22 bell?

23 A No response. Dogs barking, and
24 that is when I left.

25 Q When you left where did you go?

Direct - Satriale

151

1 A Back to work.

2 Q Work being?

3 A My office.

4 Q Okay. Upon returning to your
5 office did you have any conversation with Detective
6 Gallo with respect to Officer Kempkes' whereabouts?

7 A Yes.

8 Q When did that occur?

9 A About 1:00.

10 Q What, if anything, did Detective
11 Gallo tell you about Officer Kempkes' whereabouts?

12 MR. LOVETT: Objection, hearsay.

13 MAYOR MARVIN: I'm prepared to
14 overrule.

15 (Whereupon the Board was polled.)

16 MAYOR MARVIN: Objection overruled.

17 A He called me and he told me that
18 Officer Kempkes had returned home and that at my
19 direction he told him to contact the police
20 department. He also asked him where he had been,
21 and he said he had been out on Workers' Comp., out
22 sick, and did not have to be home, and that he had
23 brought his car in to Classic Automobiles in Mount
24 Vernon for service.

25 Q Following that conversation when

Direct - Satriale

152

1 did you next see Detective Gallo, if at all?

2 A About 15 minutes later.

3 Q Where did you see him?

4 A At my office.

5 Q What, if anything, did you do with
6 Detective Gallo with regard to this incident?

7 A We went to Classic Automobiles on
8 MacQuesten Parkway in Mount Vernon.

9 Q When you went to Classic
10 Automobiles did you speak to anyone with regard to
11 Officer Kempkes' whereabouts?

12 A Yes.

13 Q Who was it that you spoke to?

14 A The service manager.

15 Q Do you remember his name?

16 A John DeGraw, I think.

17 MR. O'NEIL: I'm going to ask that
18 this be marked for identification as
19 Department's Exhibit 14.

20 (Whereupon, a service order from
21 Classic Auto was received and marked as
22 Department's Exhibit 14, for
23 identification, as of this date.)

24 Q Lieutenant Satriale, I'm going to
25 ask you to look at a document that has been marked

Direct - Satriale

153

1 for identification as Department's Exhibit 14 and
2 ask you whether you can identify that for us?

3 (Whereupon, the witness peruses a
4 document.)

5 A Yes.

6 Q Can you tell us what that is?

7 A This is a copy of the advisory
8 service order from Classic Automobiles in Mount
9 Vernon.

10 Q And I'm going to direct you to the
11 upper left portion of the document where something
12 appears to have been circled, the 12:44.

13 A Yes.

14 Q Do you recall whether that was
15 circled on the copy that was provided to you?

16 A I don't.

17 MR. O'NEIL: I'm going to ask that
18 this be received in evidence, at this
19 time.

20 MR. LOVETT: No objection.

21 MAYOR MARVIN: Okay, received in
22 evidence.

23 (Whereupon, Department's Exhibit
24 14, previously marked for identification
25 was received in evidence.)

Direct - Satriale

154

1 MR. O'REILLY: And pursuant to the
2 prior stipulation we are going to cross
3 out the address that is indicated near the
4 top left.

5 MR. O'NEIL: And the phone number,
6 as well.

7 MR. O'REILLY: The last four digits.

8 Q Can you tell us what, if any,
9 conversation you had with the service manager, at
10 that time?

11 MR. LOVETT: Objection. It's rank
12 hearsay again.

13 MAYOR MARVIN: I'm prepared to
14 overrule the objection.

15 (Whereupon the Board was polled.)

16 MR. UNDERHILL: Yes.

17 MAYOR MARVIN: Okay, the objection
18 is overruled.

19 MR. LOVETT: Is the service manager
20 coming in as a witness, or is this going
21 to be uncorroborated hearsay?

22 MR. O'REILLY: We don't have to
23 respond to that. Will you answer the
24 question, Lieutenant?

25 MR. LOVETT: He doesn't have to

Direct - Satriale

155

1 respond to it. It just goes to how bad
2 the rulings are that the Mayor has been
3 making.

4 A I asked him if Officer Kempkes,
5 Thomas Kempkes, brought a car in for service. He
6 provided me with a copy of the service order to
7 confirm that he did in fact come in at 12:44 to
8 service his car.

9 Q Approximately how long were you at
10 the auto dealership?

11 A Five minutes.

12 Q Following your visit to the auto
13 dealership where did you go next?

14 A Back to my office.

15 Q After having left the auto
16 dealership, did anyone advise you with regard to
17 Officer Kempkes' whereabouts, at that time?

18 MR. LOVETT: Objection, leading,
19 eliciting hearsay of his affirmative
20 answer.

21 MAYOR MARVIN: I'm prepared to
22 overrule that.

23 (Whereupon the Board was polled.)

24 MR. LOVETT: Yes, because that is
25 just what Mr. O'Reilly mouthed to you,

Direct - Satriale

156

1 which he has been doing all evening.

2 MAYOR MARVIN: I'm prepared to
3 overrule that.

4 MR. BARTON: Agree.

5 MR. UNDERHILL: Agree.

6 MAYOR MARVIN: Objection overruled.

7 MR. LOVETT: It doesn't make any
8 difference. Mr. O'Reilly is calling the
9 shots, not the Mayor of the Board. It is
10 obvious, and it is either audible or we
11 can read lips, overruled. It sounds like
12 Judge Cowhey.

13 MR. O'REILLY: Anything else, Mr.
14 Lovett?

15 MR. LOVETT: Yes, lots later.

16 MAYOR MARVIN: You may answer the
17 question, Lieutenant.

18 A When Detective Gallo called me to
19 tell me that Officer --

20 MR. LOVETT: Objection to what Gallo
21 said.

22 A -- Kempkes had arrived home, I told
23 him --

24 MR. LOVETT: Excuse me, I have an
25 objection. Do you mind?

Direct - Satriale

157

1 MR. O'NEIL: Lieutenant, you don't
2 have to listen to him. You just listen to
3 what the Mayor and Mr. O'Reilly have to
4 say.

5 MR. O'REILLY: You can continue.

6 MR. LOVETT: Excuse me, I'm
7 objecting as to hearsay. If you want to
8 shuffle it in and then tell the Board to
9 disregard the pink elephant that just ran
10 across the room, if that is the way you
11 want to run this hearing.

12 A When he called me and told me that
13 Officer Kempkes returned home he directed him to
14 call the police desk. My direction to Sergeant
15 Mitchell was when Officer Kempkes contacts you have
16 him respond to the police department to see me.

17 Q When you left the auto dealership
18 what did you know about his whereabouts, at that
19 time, if anything?

20 A He was at headquarters.

21 Q Who told you that?

22 A Sergeant Mitchell.

23 Q Did there come a time upon your
24 return to headquarters that you met with Officer
25 Kempkes?

Direct - Satriale

158

1 A Yes.

2 Q Who, if anyone, was present at that
3 meeting?

4 A Just me and Officer Kempkes.

5 Q At the beginning of the meeting,
6 what, if anything, did you tell him about the
7 nature of the meeting?

8 A I explained he was there to discuss
9 why he was not home, and why he was in violation of
10 the sick leave policy and procedures.

11 Q What, if anything, did Officer
12 Kempkes say in response that?

13 A He told me that he wanted to be
14 represented at the hearing, excuse me, at the
15 interview, I'm sorry.

16 Q What, if anything, did you respond
17 to that?

18 A I told him we would meet the
19 following morning at 10:00 a.m.

20 Q Did you have any further contact
21 with Officer Kempkes that day?

22 A I don't know if I had it that day
23 or the next day. I'm not sure.

24 Q On the next day, July 7, 2006, did
25 that meeting take place that you just had referred

Direct - Satriale

159

1 to?

2 A Yes.

3 Q Where did that take place?

4 A In my office.

5 Q Who was there?

6 A Myself, Officer Kempkes and Officer
7 Joseph Panzarino.

8 Q In what capacity was Officer
9 Panzarino there?

10 A He's the PBA President.

11 Q Do you know, approximately, what
12 time that meeting took place?

13 A 10:15.

14 Q During the course of that interview
15 with Officer Kempkes. Did you refer to any
16 documents?

17 A Yes.

18 Q Can you tell us which ones, if any?

19 A The sick leave policy and
20 procedures.

21 Q The policies that has been received
22 in evidence as Department's Exhibit 3A?

23 A Correct.

24 Q Can you tell us the substance of
25 the conversation you had with Officer Kempkes on

Direct - Satriale

160

1 July the 7th with regard to his whereabouts on July
2 the 6th?

3 A If I might just finish the answer?

4 Q Sorry.

5 A There were other documents that I
6 referred to during the interview.

7 Q Can you tell us what they were?

8 A They are not here. They are the
9 logs that we keep to record officers calling into
10 the desk sick, and officers calling into the desk
11 to say that they are leaving their home for a
12 reason.

13 MR. O'NEIL: I'm going to ask that
14 these documents be marked for
15 identification as Department's Exhibit 15?

16 (Whereupon, sick leave report logs,
17 was received and marked as Department's
18 Exhibit 15, for identification, as of this
19 date.)

20 Q Lieutenant Satriale, I'm going to
21 ask you to look at a document that has been marked
22 for identification as Department's Exhibit 15 and
23 ask you whether you can identify that document for
24 us?

25 (Whereupon, the witness peruses a

Direct - Satriale

161

1 document.)

2 A Yes.

3 Q What is that?

4 A These are copies of the sick leave
5 report logs that are created by the desk officer
6 when an officer either calls in sick or is out sick
7 and needs to leave his home and has to call the
8 desk and say he's leaving.

9 Q Were those documents referred to
10 during your meeting with Officer Kempkes on July
11 the 7th of 2006?

12 MR. LOVETT: Objection, leading,

13 MAYOR MARVIN: Could you rephrase
14 your question?

15 Q You testified previously that in
16 addition to Department's Exhibit 3A, which is in
17 evidence, that there were other documents that were
18 referred to during your meeting with Officer
19 Kempkes, is that correct?

20 A Yes.

21 Q Can you tell us what documents
22 those were?

23 A These sick leave logs (Indicating.)

24 Q When you say these, are you
25 referring to Department's Exhibit 15?

Direct - Satriale

162

1 A Yes.

2 MR. O'NEIL: I would like to move
3 that those be received in evidence.

4 MR. LOVETT: No objection.

5 MAYOR MARVIN: All right, they are
6 received as evidence.

7 (Whereupon, Department's Exhibit
8 15, previously marked for identification
9 was received in evidence.)

10 Q The document that has been received
11 in evidence as Department's Exhibit 15, you've
12 testified that these are used to report sick leave
13 use. Are they used to report any other kind of
14 leave usage?

15 A Yes.

16 Q What?

17 A Injury.

18 Q During the interview with Officer
19 Kempkes on July the 7th of 2006, can you tell us
20 what, if anything, he said with regard to his
21 whereabouts on July the 6th of 2006?

22 A Yes, he did not recall exactly what
23 time he left his home in the morning, but did
24 recall at around 9:30 he went to Zuccarelli's Deli
25 in Eastchester for coffee, and after leaving

Direct - Satriale

163

1 Zuccarelli's he went down to Giovanni's Auto Body
2 Shop in Tuckahoe to have breakfast with his friend
3 Giovanni. After breakfast he recalled going to
4 Melissa's cousins frame shop to meet with a friend
5 of his, Robert Esposito, and after that meeting
6 going to George Niko's Service Station (ph) in
7 Yonkers for awhile, and then when deciding to leave
8 Niko's Service Station he wanted to attempt to have
9 the car that he was driving recreate a smoke
10 condition that he experienced previously, so he
11 drove around for awhile until the car did in fact
12 smoke, and that's what brought him to Classic
13 Automobiles.

14 Q Did he tell you what he did after
15 he was at Classic Automobiles?

16 A He received a loaner car, dropped
17 off the car that he was driving, went to Chester
18 Heights which is a section of Eastchester and got a
19 slice of pizza and then went home and found
20 Detective Gallo in his driveway.

21 Q You made reference in your
22 testimony to someone named Melissa.

23 A Yes.

24 Q Can you tell us who that person is?

25 A Tom's girlfriend.

Direct - Satriale

164

1 Q Tom being Officer Kempkes?

2 A Yes.

3 Q You also indicated that he told you
4 he had left his home to get coffee, and then to eat
5 breakfast with somebody else. Have you ever had
6 any discussions with Officer Kempkes prior to July
7 6, 2006 concerning his leaving the home while out
8 on injured to eat?

9 A Yes.

10 Q Can you tell us the substance of
11 those conversations?

12 A In November of 2005 I called
13 Officer Kempkes at home and told him that I was
14 reviewing the sick leave reports and that I noticed
15 that he had left his home several times to get
16 breakfast or lunch, and I directed him not to leave
17 anymore for breakfast or lunch, to make sure he had
18 food at home, to prepare or to eat during his
19 regular tour of duty. That was not an authorized
20 reason to leave his home when he was being paid to
21 work.

22 Q And you had mentioned previous in
23 your testimony that Department's Exhibit 3A was
24 made reference to during the conversation with
25 Officer Kempkes on July the 7th. Can you tell us

Direct - Satriale

165

1 what you recall about that part of the
2 conversation?

3 A Yes, 3A, sick leave policy and
4 procedures.

5 Q Correct.

6 A He had originally told me that he
7 didn't call the desk when he left his house because
8 he was injured and not sick, and I referred to the
9 policy where it says must notify the desk upon
10 leaving, whether sick or injured.

11 Q Where is that in the policy?

12 A Section A number 6, first notify
13 the Department, except in an emergency of a need to
14 leave home or place of confinement during the
15 scheduled tour, and if you go to the purpose on the
16 top of the page, the purpose of the policy is to
17 establish uniformed procedures for reporting sick,
18 and follow actions when members become sick or
19 injured.

20 Q Prior to July 6, 2006 had Officer
21 Kempkes notified the police department that he was
22 leaving his home while out injured?

23 A Yes.

24 Q Did that come up in the
25 conversation you had with him?

Direct - Satriale

166

1 A Yes.

2 Q And in what context?

3 A Well, after saying he didn't need
4 to comply with this policy because he was injured I
5 directed him to the word injured. He then said he
6 didn't need to comply with the policy because he
7 was out on Workers' Comp., and not injured, so it
8 was a different reason than sick or injured, so I
9 then stopped counting at, I think 28, 28 times. I
10 showed him where while he was out on Workers' Comp.
11 he comply with the policy and call the department
12 saying he was leaving the house. So what was a
13 difference on July 6th versus the 28 times his
14 status did not change.

15 Q What was his response to that, if
16 anything?

17 A Well, he kept referring to a
18 department policy or regulation that had nothing to
19 do with my investigation, and said that he was
20 waiting to get a copy of that policy, and if he
21 didn't have that policy he could not comply with
22 something he did not have, and I reiterated to him
23 that we were there to discuss the sick leave policy
24 and procedures, the identical one that he agreed to
25 forfeit time from for violating in August of 2003

Direct - Satriale

167

1 that had nothing to do with any other policy.

2 MR. LOVETT: Move to strike as to
3 the policy of 2003, and the violation.
4 It's just compounding the damage that's
5 done already.

6 MAYOR MARVIN: Okay, I'm prepared to
7 overrule that objection.

8 (Whereupon the Board was polled.)

9 MAYOR MARVIN: Objection overruled.

10 A And then he said, well, you guys
11 weren't checking up on me, so I thought I was okay.

12 Q At any time during the conversation
13 with him on July 7, 2006 did he indicate to you
14 that he did not have a copy of Department's
15 Exhibit 3A?

16 MR. LOVETT: Objection, leading.

17 MAYOR MARVIN: All right, I'm
18 prepared to overrule that.

19 (Whereupon the Board was polled.)

20 MAYOR MARVIN: Okay, objection
21 overruled.

22 A No.

23 MR. O'NEIL: I have no further
24 questions of this witness.

25 MAYOR MARVIN: All right.

Cross - Satriale

168

1 CROSS EXAMINATION BY MR. LOVETT:

2 Q Is there a department rule,
3 regulation, policy, or procedure that governs when
4 an officer was out either sick or injured is
5 supposed to come in and empty their mailbox?

6 A No.

7 Q Is there any rule, regulation,
8 policy, or procedure in the department that
9 requires an officer out injured or sick to come in
10 and check their e-mails?

11 A Yes.

12 Q Where is that?

13 A It's not a written policy. It's at
14 my direction if they are out for an extended period
15 of time.

16 Q When was this verbal directive
17 given?

18 A Its been given since I've been a
19 Lieutenant.

20 Q Pardon me?

21 A Its been given since I'm a
22 Lieutenant.

23 Q So every day you issue the same
24 directive?

25 A If I have a member out for an

Cross - Satriale

169

1 extended period of time, sick or injured, I will
2 ensure that on a regular basis they come in and
3 check their mail.

4 Q What is the regularity that you
5 insist upon?

6 A When I see their mailbox full I
7 make sure they come in and check their mail.

8 Q And when their mailbox is full you
9 know they have a lot of e-mails?

10 A No, I'm referring to their physical
11 mailbox.

12 Q I'm referring to e-mails.

13 A The e-mails, it doesn't matter.

14 Q It doesn't matter how many e-mails
15 accumulate?

16 A No.

17 Q How do you determine that a mailbox
18 is full?

19 A Just by looking at it. It's not
20 closed. It's an open compartment that you slide
21 mail into.

22 Q So prior to July 6, '06, how many
23 times did you direct my client to come in to clean
24 out his mailbox?

25 A No more than five times.

Cross - Satriale

170

1 Q When was the first occasion?

2 A I don't know.

3 Q You didn't make any note about
4 that?

5 A No.

6 Q When was the second occasion?

7 A I don't know.

8 Q How long after the first occasion
9 was the second occasion?

10 A I don't know.

11 Q Was the mailbox full on the first
12 occasion, even though you don't recall when it was?

13 A Yes.

14 Q You remember that?

15 A I wouldn't have called him in if
16 his mailbox was not full. There were three or four
17 paychecks in the mailbox.

18 Q And that fills the entire mailbox,
19 three or four paychecks?

20 A No, but that's a pretty good
21 indication that he has not been in for three or
22 four weeks.

23 Q That's not my question. I said
24 three or four paychecks fills the mailbox?

25 A That's not what I said.

Cross - Satriale

171

1 Q I'm asking you, does three or four
2 paychecks fill the mailbox?

3 A No, it doesn't.

4 Q In addition to the three or four
5 paychecks being in the mailbox, what prompted you
6 to first call him in to come and clean out his
7 mailbox?

8 A I don't know. His mailbox was
9 full.

10 Q What was in it, other than the
11 three or four paychecks?

12 A I don't know. I didn't look at his
13 mail.

14 Q You didn't look at the mailbox,
15 either, did you?

16 A Yes, I did.

17 Q Did anybody else witness what you
18 observed, at the time you observed it?

19 A No.

20 Q When was the third time you
21 directed him to come in?

22 A I don't know.

23 Q The second time you directed him to
24 do it, what was in the mailbox, three or for
25 paychecks?

Cross - Satriale

172

1 A I don't know.

2 Q And how long after the second time
3 you asked him to come in and clean the mailbox out
4 did the third occasion arise?

5 A I don't know.

6 Q What year was the first occasion?

7 A I don't know.

8 Q What year was the second occasion?

9 A I don't know.

10 Q What year was the third occasion?

11 A I don't know.

12 Q Was there a fourth occasion?

13 A There may have been.

14 Q I'm asking whether there was a
15 fourth occasion?

16 A I don't know.

17 Q Well, if there was, how long after
18 the third occasion did the fourth occasion arise?

19 A I don't know.

20 Q What was in the mailbox on the
21 fourth occasion, if it occurred, that prompted you
22 to direct my client in?

23 A I don't know.

24 Q Was there a fifth occasion?

25 A I don't know.

Cross - Satriale

173

1 Q Well, why did you testify earlier
2 that you directed him to come in and clean out his
3 mailbox no more than five times if you don't even
4 know if you gave that directive more than three
5 times?

6 MR. O'NEIL: Objection.

7 MR. O'REILLY: Grounds?

8 MR. O'NEIL: As to form. He said no
9 more than five is what his testimony was.

10 MR. LOVETT: I'll rephrase the
11 question.

12 Q Do you remember testifying, as Mr.
13 O'Neil said, that you called him in no more than
14 five times to empty his mailbox?

15 A Yes.

16 Q When you gave that sworn testimony
17 did you then know that you only called him in three
18 times?

19 A No.

20 Q What was the source of your
21 information when you swore that you called him no
22 more than five times?

23 A To the best of my recollection, it
24 had been no more than five times that I requested
25 him to come in.

Cross - Satriale

174

1 Q Well, the time you requested him to
2 come in on July 6, '06, was that the fourth time or
3 the fifth time?

4 A I don't know.

5 Q And what did you observe in his
6 mailbox that prompted you to direct him in on
7 July 6th to clean out his mailbox?

8 MR. O'NEILL: Objection. Asked and
9 answered.

10 MR. LOVETT: No, it wasn't.

11 MAYOR MARVIN: Overruled.

12 MR. LOVETT: Which hearing are you
13 at, Counselor? I haven't gotten to that
14 one yet.

15 MAYOR MARVIN: I'm prepared to
16 overrule that objection.

17 (Whereupon the Board was polled.)

18 MAYOR MARVIN: Objection overruled.

19 A Mail.

20 Q The mailbox was full?

21 A There was mail in his mailbox.

22 Q I thought you said when the box was
23 full you would direct him in?

24 A If you are going to ask me that day
25 whether the box was full or whether there was

Cross - Satriale

175

1 enough mail that it was an indication that he
2 hadn't been in to check his mail in a period of
3 time that was acceptable to me, I don't know if it
4 was full or if it's just that he hadn't been in in
5 awhile, and it was time for him to come in and
6 clean it out and see what was going on within the
7 department and within the village.

8 Q I thought that you testified that
9 you called him to come in and clean out his mailbox
10 when it was full, is that true?

11 A Yes.

12 Q And you are telling me now that on
13 July 6th you don't know if the mailbox was full,
14 but you directed him in, anyhow?

15 A Yes.

16 Q Why?

17 A Because there was a clear
18 indication that he had not been in in awhile to
19 find out what had been going on in the village and
20 within the department, and it was at my direction
21 that he come in and check his e-mail and empty his
22 mailbox as a paid member of the department.

23 Q Were you present when he emptied
24 his mailbox as a result of the July 6th directive
25 from you?

Cross - Satriale

176

1 A No.

2 Q Do you know what he removed from
3 the mailbox, if anything?

4 MR. O'NEIL: Objection. There is no
5 foundation or any testimony that he ever
6 cleaned out his mailbox.

7 MAYOR MARVIN: I'm prepared to
8 sustain it.

9 (Whereupon the Board was polled.)

10 MAYOR MARVIN: Objection is
11 sustained.

12 Q Based on your directive,
13 Lieutenant, did my client clean out what was in his
14 mailbox on July 6th or 7th?

15 A I don't know.

16 Q Didn't you verify whether he
17 complied with your directive?

18 A His mailbox was clean. I have no
19 way of confirming whether he emptied it or somebody
20 else emptied it.

21 Q Well, how long prior to July 6th
22 had somebody cleaned out my client's mailbox?

23 A How long prior?

24 Q Yes.

25 A I don't understand the question.

Cross - Satriale

177

1 Q You say on July 6, '06 you wanted
2 him to clean out his mailbox.

3 A Correct.

4 Q How long had it been prior to that
5 that the mailbox had last been cleaned out?

6 A I don't know.

7 Q If you don't know then how could
8 you testify a few minutes ago by reason of what was
9 in the mailbox it was obvious to you that he hadn't
10 been in there for quite awhile?

11 A Because there was an accumulation
12 of mail. That can happen in two hours. It can
13 happen in three weeks. I don't know when the
14 mailbox was clean versus now there is an
15 accumulation of mail in there that needs to be
16 addressed. I cannot tell you that it was done
17 three weeks ago, three days ago, ten days ago. I
18 can tell you that the volume of mail in the mailbox
19 indicated to me that he needed to come in and check
20 his mail.

21 Q How long was Officer Kempkes out on
22 injured status, prior to July 6, '06?

23 A I don't know. More than a year.

24 Q More than three years?

25 A I don't know.

Cross - Satriale

178

1 Q Do you know that he sustained a job
2 injury and as a result no longer reported to work?

3 A He claims a job injury, yes.

4 Q Well, don't you know your own Chief
5 of Police gave him retroactive status on 207C in
6 August of last year?

7 A Yes, I do.

8 Q So do you think he was on job
9 injured status as of the date the Chief gave it to
10 him?

11 A Yes.

12 Q How did you find out on July 6th
13 that my client had left his house? In fact, how
14 did you find out?

15 A He told Detective Gallo when he
16 returned to the home.

17 Q Didn't you learn from somebody
18 before you sent anybody down there to knock on the
19 door, or ring the bell, that my client was seen
20 outside his home?

21 A Absolutely not.

22 Q So it was just by coincidence that
23 on July 6, '06 you ordered or tried to order my
24 client in to clean out his mailbox?

25 A It's not a coincidence. That's my

Cross - Satriale

179

1 job.

2 Q Why did you do it on July 6th
3 instead of July 5th?

4 A July 6th is the day I looked at the
5 mailbox and said he needs to come in and check his
6 mail.

7 Q Were you speaking out loud when you
8 said that?

9 A Yes, I was.

10 Q To whom?

11 A To Sergeant Mitchell.

12 Q You said to Mitchell he, meaning my
13 client, needs to come in and empty his mailbox?

14 A Yes, I did. I turned around from
15 the mailbox and said to Mitchell, call Kempkes and
16 have him come clean out his mailbox.

17 Q What did Mitchell tell you?

18 A I'll call him.

19 Q Did he tell you anything about
20 whether he agreed or disagreed that the mailbox had
21 to then be cleaned?

22 A No.

23 Q Do you have any objective standard
24 as to when a mailbox is supposed to be cleaned by
25 an officer who is out on sick or job injured

Cross - Satriale

180

1 status?

2 A I don't understand your question.

3 Q Is there any objective standard you
4 use in determining when to direct an officer to
5 clean out their mailbox?

6 A No, you can't. I can't put a
7 number on it of pieces of mail or weight, or no, I
8 don't have an objective standard.

9 Q Did you have any awareness on
10 July 6 '06 that Officer Kempkes had e-mails that
11 hadn't been opened?

12 A No.

13 Q Well, you directed him to check up
14 on his e-mails, too, didn't you?

15 A Yes.

16 Q Why, if you didn't know he had any?

17 A The only way to find out if you
18 have any is to check them, and if you don't come in
19 and check them you are not going to know what's
20 going on within the department. So it was a good
21 assumption on my part that he had e-mails, because
22 I sent e-mails.

23 Q Are you aware that on July 6, '06
24 my client had been out continually job injured for
25 several years?

Cross - Satriale

181

1 A Am I aware of that?

2 Q Yes.

3 A I knew it was a long time, longer
4 than a year.

5 Q And you think he was regularly
6 receiving mail as an active member of the
7 department, at that time?

8 A He still continues to.

9 Q His paycheck --

10 A He's in an e-mail group that
11 whenever an e-mail goes out to the entire
12 department he gets it. Right now there is e-mail
13 in his e-mail box.

14 Q Well, why didn't you direct him in
15 today to get his e-mails?

16 A He's suspended. He's not to come
17 into the police department.

18 Q Give me the names of each other
19 officer you ordered in to empty their mailboxes
20 when they were on sick leave or job injured status?

21 A No.

22 Q Why not?

23 A Why not?

24 Q Why not?

25 A I have been a Lieutenant for

Cross - Satriale

182

1 three years, and in that three years I have had
2 several officers go out from on the job injury or
3 long-term illness, or injury or surgery off the
4 job, that they were dedicated, honest, hard working
5 officers that had surgeries and injuries that were
6 legitimate to me, and I gave them the benefit of
7 the doubt and allowed them to recuperate under
8 doctor's care, listen to their doctor's note, and
9 they returned on time, or early from their injury,
10 illness or surgery. So there is no reason for me
11 to inconvenience them.

12 Q What are the names of the officers?

13 A Officer Dorre had an extended
14 absence, Officer Murray.

15 Q Who else?

16 A Officer Panzarino. That is all I
17 recall, at this time.

18 Q How long was --

19 A Sergeant Mitchell.

20 Q How long was Dorre out?

21 A I don't know.

22 Q Was that a job injury or a sick
23 status?

24 A I think he had one of each.

25 Q Over how long a period of time was

Cross - Satriale

183

1 he out?

2 A I don't know.

3 Q What about Murray, how long was he
4 out?

5 A I don't know.

6 Q And the PBA President, how long was
7 he out?

8 A I don't know.

9 Q What about Mitchell?

10 A Don't know.

11 Q Well, when you say you gave each of
12 those four people the benefit of the doubt, you
13 mean you let their mailbox fill up and you didn't
14 make them come in to clean them out?

15 A Yes.

16 Q Did you know that they were
17 accumulating e-mails in their absence?

18 A Yes.

19 Q Did you direct any of them to come
20 in and check their e-mails so they can be current
21 on departmental information?

22 A No.

23 Q Did any of those four individuals'
24 mailboxes, to your personal observations, become
25 full while they were out?

Cross - Satriale

184

1 A I don't remember.

2 Q You did not check them?

3 A I have checked them. I don't
4 remember. It wasn't something that I was
5 concentrating on, at the time.

6 Q Why did you check them?

7 A Because I distribute everybody's
8 mail and paychecks every week, so I know when I am
9 slipping a paycheck into a guy's mailbox what mail
10 is in there.

11 Q When you slipped that paycheck in
12 to say Dorre's mailbox, you could tell if it was
13 full, couldn't you?

14 A Absolutely.

15 Q And the same was true with the
16 other three?

17 A Yes.

18 Q When you reached a point that you
19 knew they or any of them had a full mailbox you
20 didn't call them and direct them in, right?

21 A No.

22 Q Did you arrange to have their mail
23 delivered to their home?

24 A No.

25 Q Why not?

Cross - Satriale

185

1 A Because I knew that they were under
2 a doctor's care returning to work either early or
3 on time, and would have an opportunity to read what
4 mail there was when they returned.

5 Q Well, what arrangement did you make
6 for each of those individuals, or any of them, when
7 their mailbox couldn't take anymore material and it
8 was too full?

9 A That never happened.

10 Q How come? Did you do something
11 with the mail when it was sitting in a mailbox?

12 A No.

13 Q So during all the time that each of
14 these four individuals are out, none of them
15 received enough mail to fill their mailbox, on any
16 occasion?

17 A Well, I'm confident none of them
18 were out more than a year, so, yes, the mail did
19 not fill up.

20 Q In a year's time the mailbox did
21 not fill up?

22 A No, what I said is I'm confident
23 none of them were out more than a year, like your
24 client, so their mailboxes did not fill up for the
25 time period that they were out.

Cross - Satriale

186

1 Q Okay, going back one year from July
2 6 '06, during that one year period did my client's
3 mailbox fill up quicker than those of the other
4 four when they were out for that one year?

5 MR. O'NEIL: Objection. There has
6 been no testimony that any of them were
7 out for one year. The testimony is that
8 none of them were out for a year.

9 MR. LOVETT: I'll rephrase the
10 question.

11 Q How long were those four
12 individuals out?

13 A I don't know.

14 Q Were they out a year or more each?

15 A No.

16 Q Was any of them out a year?

17 A No.

18 Q Was any of them out nine months?

19 A No.

20 Q What was the shortest period of
21 time one of them was out?

22 A I don't know.

23 Q Do you have any best estimate as to
24 how long Dorre was out?

25 A No.

Cross - Satriale

187

1 Q Was it more than a month?

2 A I don't know. I'm not going to
3 estimate.

4 Q Now, when you decided to tell my
5 client to come in and to clean out his mailbox, did
6 you discuss that with the Chief of Police?

7 A No.

8 Q Did you discuss it with the Chief
9 of Police after the events of July 6 '06?

10 A Yes.

11 Q Have you attended any meeting with
12 the members of the Village Board about the events
13 of July 6 '06?

14 A No.

15 Q Has the Chief told you that he has
16 spoken with the members of the board about that?

17 A No.

18 Q You decided at what time to direct
19 my client in to check his mailbox and e-mails?

20 A 10:55 in the morning.

21 Q What did you say, at that time, and
22 to whom?

23 A I told Sergeant Mitchell to call
24 Officer Kempkes at home, have him come to
25 headquarters and clean out his mailbox, and check

Cross - Satriale

188

1 his e-mail.

2 Q What was the necessity that Officer
3 Kempkes clean out his mailbox that day?

4 A Because he was working that day,
5 and being paid to work that day. That was his
6 shift.

7 Q Didn't he work the day before?

8 A Yes.

9 Q Didn't he work the week before?

10 A Yes.

11 Q And I mean by working he was
12 getting paid?

13 A Yes.

14 Q In the sense of being paid he
15 worked every day for the preceding three years,
16 even though he wasn't at work, right?

17 A I don't understand your question.
18 He was being paid as a member of the department
19 while he was out, yes.

20 Q What was it about July 6th that
21 prompted you to decide that he had to come in that
22 very day to clean out his mailbox?

23 A I was checking his mail. I was
24 checking the mailboxes.

25 Q Didn't you check his mailbox on the

Cross - Satriale

189

1 5th?

2 A I may not have.

3 Q And you may have. I'm asking
4 whether you did.

5 A I don't know.

6 Q Did you check his mailbox any day
7 in the week preceding July 6 '06?

8 A I'm sure I did, yes.

9 Q When you did that, did you not
10 notice the mailbox needed to be emptied?

11 A I don't remember.

12 Q Did you make a conscious decision
13 to wait until July 6th, for some reason or other,
14 before you directed him to empty the mailbox?

15 A No, sir.

16 Q Is there any reason you can give me
17 as to why you didn't direct him in on July 3rd to
18 empty the mailbox?

19 A Well, without looking now, if he
20 was not working on July 3rd I would have no
21 authority to direct him in, or I would have to pay
22 him overtime.

23 MR. O'NEIL: Can I have an
24 objection?

25 MAYOR MARVIN: Yes.

Cross - Satriale

190

1 MR. O'NEIL: Just so it can be clear
2 for the record, when they say he's
3 working, that means scheduled to work,
4 because he hasn't shown up to work for
5 quite an extended period of time. I just
6 want to make sure it's clear for the
7 record when the witness is testifying
8 about working he's talking about scheduled
9 to work.

10 Q Was there any day prior to July 6
11 '06 in the month of July when my client was
12 scheduled to work but didn't because of a job
13 injury?

14 A I don't know, specifically. I'm
15 sure he was. He doesn't get five days, so there
16 was --

17 Q How about during the month of
18 July 6 '06, was he scheduled to work but didn't
19 because of a job injury?

20 A Yes.

21 Q Do you know if anything went into
22 his mailbox following June 30th, and up until
23 July 6th?

24 A No, I don't.

25 Q When was the last time you put a

Cross - Satriale

191

1 paycheck in his mailbox, on or prior to July 6 '06?

2 A I'd have to look at a calendar. It
3 would be the Thursday before, or --

4 Q So it would be the Thursday before
5 or two Thursdays before?

6 A Once every Thursday.

7 Q So pay is every Thursday?

8 A Yes.

9 Q And every Thursday you looked at my
10 client's mailbox to put the paycheck in it?

11 A Yes, sir.

12 Q What day of the week was July 6th?

13 A I don't know.

14 Q Was it July 6th that you first
15 noticed the mailbox had sufficient contents to
16 direct my client in?

17 A I don't know.

18 Q Well, you directed that somebody
19 contact my client. Did you give a number at which
20 my client was supposed to be contacted?

21 A No.

22 Q What did you expect the person who
23 you were talking to to do in order to place the
24 phone call?

25 A Call him at home.

Cross - Satriale

192

1 Q Who did you ask to call, initially?

2 A Sergeant Mitchell.

3 Q And you say Mitchell later told you
4 that he called?

5 A Yes.

6 Q Did you ask him what number he
7 dialed?

8 A No.

9 Q Did he tell you what number he
10 called?

11 A No.

12 Q What happened next?

13 A I went to his home.

14 Q Why as a Lieutenant in charge of
15 patrol would you go to my client's house and spend,
16 approximately, an hour-and-a-half?

17 A To find out why he was not home
18 when we were paying him to be home.

19 Q Don't you think it would have been
20 a better use of your time to wait until somebody
21 contacted him and have him in and ask him?

22 A Absolutely not.

23 Q So you took an hour-and-a-half,
24 approximately, out of your time to sit in my
25 client's driveway?

Cross - Satriale

193

1 A Yes, sir.

2 Q When you first got to his house
3 what time was it?

4 A Around ten after eleven.

5 Q Incidentally, you made reference to
6 some investigative file you put together.

7 A Yes.

8 Q Did you review that prior to
9 testifying today?

10 A Yes.

11 MR. LOVETT: I ask that it be
12 produced in its entirety.

13 MR. O'REILLY: Mr. O'Neil?

14 MR. O'NEIL: We have no objection to
15 him reviewing the file. We have, I believe
16 we may even have a clean copy. He has the
17 original there. If Mr. Lovett wants to
18 examine it now he certainly can do it
19 within Lieutenant Satriale's presence with
20 no objection.

21 MR. LOVETT: I'll take a copy. I
22 don't need the original.

23 MR. O'NEIL: And you'll review it
24 some time now? Is that your request?

25 MR. LOVETT: I'll review it when I

Cross - Satriale

194

1 have a chance. I'm not going to interrupt
2 the questioning now.

3 MR. O'NEIL: Okay, then when you are
4 ready we will find it.

5 MR. O'REILLY: So it will be
6 produced. Will you please continue with
7 your questioning?

8 MR. LOVETT: Fine.

9 Q Mitchell told you he called and got
10 what response?

11 A The answering machine.

12 Q Did he say what he heard on the
13 answering machine's message?

14 A No.

15 Q Did you ask him?

16 A No.

17 Q Did he tell you he left a message?

18 A Yes.

19 Q What did he tell you he said in the
20 message he left?

21 A I directed him to leave a message
22 and have him call headquarters.

23 Q I don't care what you directed him
24 to do. My question is, what did he say he left by
25 way of a message?

Cross - Satriale

195

1 A He said he left a message.

2 Q Did you ask him what the message
3 was?

4 A No.

5 Q Did you ask him if he identified
6 himself?

7 A No.

8 Q Did you get anything from Mitchell
9 in words or substance that indicated what the
10 message was that he claimed he left on the
11 answering machine?

12 A I got the e-mail from him.

13 Q Other than that, is there any other
14 documentation?

15 A No.

16 Q Did you know when you got the
17 e-mail that the phone number referenced in it was
18 not my client's?

19 MR. O'NEIL: Objection. You know,
20 the representation that Mr. Lovett is
21 making, whether they are true or not we
22 don't know. He's not a witness here, but
23 the telephone number on the e-mail from
24 Sergeant Mitchell happens to be the same
25 as the telephone number on the auto

Cross - Satriale

196

1 report, so we don't know whether they are
2 correct or not, but the name he gave,
3 excuse me, the number that the people at
4 the auto company recorded as being his
5 home number is the same number as in
6 Sergeant Mitchell's e-mail to Lieutenant
7 Satriale, so I don't think it is fair to
8 him to be representing on the record that
9 that is not his home number.

10 MR. LOVETT: Well, I'll tell you
11 what, I could care less if you don't think
12 it is fair, and since I'm not worthy of
13 credibility neither is Mr. O'Reilly, I'm
14 sorry, Mr. O'Neil.

15 MR. O'REILLY: I'll wear a sign.

16 MR. LOVETT: You don't have to. I
17 see you as the same ilk.

18 MR. O'NEIL: By the way, the panel,
19 the Board can take a look at the two
20 documents, themselves, if you want to take
21 a break and see if they are different.

22 MR. LOVETT: I'm sure that guidance
23 will be very helpful to the Board.

24 Q Lieutenant, after Mitchell told you
25 he left some sort of a message on the answering

Cross - Satriale

197

1 machine, what happened next?

2 A I went to his house, Officer
3 Kempkes' house.

4 Q When you got there what did you do?

5 A Rang the doorbell.

6 Q Did anybody respond?

7 A No.

8 Q What did you do next?

9 A Walked to the rear of the house.

10 Q For what?

11 A To see if anybody was in the back.

12 Q Was anybody in the back?

13 A No.

14 Q Then what did you do?

15 A Called Sergeant Mitchell again,

16 told him --

17 Q Called him on the cell phone?

18 A Yes.

19 Q Your own cell phone?

20 A Department cell phone.

21 Q Was that something that would
22 generate a record, an incoming call to
23 headquarters?

24 A It would generate a record, me
25 calling from a cell phone, yes.

Cross - Satriale

198

1 Q Did you call on a recorded line?

2 A Yes.

3 Q What did you say to him, and what
4 did he say to you?

5 A I told him to call Kempkes, tell
6 him to come to the front door, I'm in the driveway.

7 Q Then what happened?

8 A He called me back and said he got
9 the same machine.

10 Q Did you ask him what machine he was
11 talking about?

12 A No.

13 Q Did you ask him what the machine
14 said by way of message?

15 A No.

16 Q Did you ask him what he said to the
17 machine when it requested a message be left?

18 A No.

19 Q Did he tell you?

20 A No.

21 Q Then what happened?

22 A I waited in the driveway.

23 Q For what?

24 A Officer Kempkes to return home.

25 Q Why didn't you direct a subordinate

Cross - Satriale

199

1 to do that instead of wasting your time?

2 A I didn't have a sub available to do
3 it, at that time.

4 Q How many members of your department
5 are there?

6 A 23.

7 Q And you were the only person
8 available to sit in my client's driveway for an
9 hour-and-a-half?

10 A Yes, sir.

11 Q Did you ever do that --

12 A 23 don't work at the same time. We
13 had a Sergeant working and two officers on the road
14 who could not leave the village.

15 Q And you were supervising patrol
16 while you were sitting in my client's driveway?

17 A Part of my job.

18 Q How did you do that when you were
19 sitting in my client's driveway?

20 A Part of supervising patrol is to
21 check up on the officers that are being paid to
22 work, or scheduled to work.

23 Q How did you supervise those
24 officers on duty, other than my client who was
25 scheduled to work while you were sitting in his

Cross - Satriale

200

1 driveway?

2 A For that hour-and-a-half I wasn't
3 supervising the officers on the road.

4 Q Who was?

5 A Nobody. There was a Sergeant on
6 the desk, as with any shift when I'm off.

7 Q Now, after you rang the bell for
8 the second time what did you do?

9 A Called Detective Gallo.

10 Q Then what?

11 A Directed Detective Gallo to call
12 Officer Kempkes on his cell phone.

13 Q Then what happened?

14 A Detective Gallo called me back,
15 said he received a voicemail, and at that time I
16 directed him to come up and relieve me.

17 Q Gallo said he received a voicemail?
18 Did he tell you what it consisted of?

19 A No.

20 Q Did you ask Gallo how he received a
21 voicemail from somebody who supposedly was not
22 calling the department?

23 A I don't understand your question.

24 Q You said Gallo told you that he got
25 a voicemail.

Cross - Satriale

201

1 A Received a voicemail when he called
2 Officer Kempkes' box. He didn't personally receive
3 a voicemail from somebody. He was met with the
4 voicemail feature of Officer Kempkes' cell phone.

5 Q Did he tell you what voice he
6 heard?

7 A No.

8 Q Did you ask him?

9 A No.

10 Q Did he tell you what message he
11 left?

12 A No.

13 Q What happened next?

14 A Detective Gallo came and relieved
15 me.

16 Q That was at what time?

17 A About 12:25.

18 Q What had he been doing to your then
19 knowledge for the preceding hour-and-a-half?

20 A I don't know.

21 Q Well, was he available to come
22 relieve you immediately after you first rang the
23 doorbell and got dogs barking in response?

24 A I don't know.

25 Q What made you think that he could

Cross - Satriale

202

1 come relieve you when he did if you didn't know
2 that he couldn't have relieved you an
3 hour-and-a-half earlier?

4 A An hour-and-a-half earlier was
5 neither his position, nor his job to do that. It
6 was my job as patrol commander.

7 Q And after an hour-and-a-half of you
8 sitting in the driveway it became his job?

9 A Yes, because I needed to continue
10 the investigation elsewhere.

11 Q Do what?

12 A Continue this investigation at a
13 different location.

14 Q What was the necessity of that?

15 A I was going to drive to your
16 client's home in Connecticut.

17 Q Oh, and did you do that?

18 A No.

19 Q So when you decided not to go to
20 his home in Connecticut were you continuing the
21 investigation, anyhow?

22 A By the time I printed out the
23 directions for the home in Connecticut Detective
24 Gallo had called me and told me he returned home,
25 so the investigation changed at that point. I no

Cross - Satriale

203

1 longer had to locate him.

2 Q What happened next?

3 A I went to Audi.

4 Q Why?

5 MR. LOVETT: Withdrawn.

6 Q Who went to Audi?

7 A I did.

8 Q The Patrol Lieutenant went to Audi
9 for what?

10 A To confirm Officer Kempkes' story.

11 Q Why didn't you send a subordinate
12 out of your jurisdiction to confirm the story?

13 A Because it's my job.

14 Q Says who?

15 A Says the department rules and
16 regulations for Internal Affairs Investigation.

17 Q Oh, you are an Internal Affairs
18 Investigator?

19 A Yes, I am.

20 Q And you were conducting an Internal
21 Affairs Investigation?

22 A Yes.

23 Q You gave my client a Garrity
24 Warning when you spoke to him on the 6th and the
25 7th?

Cross - Satriale

204

1 A Yes, I did.

2 Q What is a Garrity Warning?

3 A A Garrity Warning is a warning that
4 tells an employee that you're questioning that
5 you're conducting a departmental investigation and
6 that he does not have a right to refuse to
7 cooperate in a departmental investigation if there
8 is a parallel criminal investigation. None of what
9 happens in the departmental investigation will be
10 turned over for the criminal. So if you are called
11 in for a criminal investigation you have a right to
12 remain silent. You don't have that right in a
13 departmental investigation. You must answer
14 questions in a departmental, but you're guaranteed
15 under Garrity that the department will not turn
16 over your statements or your answers to the
17 criminal investigators.

18 Q Now, did you read the Garrity
19 Warning on July 7th?

20 A Yes.

21 Q Who was present when you read it?

22 A Officer Kempkes and Officer
23 Panzarino.

24 Q Did you get a copy of that signed
25 by anybody in your presence?

Cross - Satriale

205

1 A No.

2 Q Isn't that standard protocol in
3 your department?

4 A If I felt confident that there was
5 a parallel criminal investigation I would have done
6 it.

7 Q I'm not asking that. Isn't there a
8 requirement procedurally that you get the officer
9 who has been given a Garrity Warning to sign a copy
10 of it?

11 A No.

12 Q Did you read a Garrity Warning on
13 July 6th?

14 A No.

15 Q How long was the meeting on
16 July 6th?

17 A The 6th?

18 Q The 6th.

19 A Five minutes.

20 Q From when to when?

21 A About 2:25 to 2:30.

22 Q Now, after the meeting ended did
23 you check my client's mailbox to see if it was
24 cleaned out?

25 A No.

Cross - Satriale

206

1 Q After that meeting did you check my
2 client's e-mail, or ask anyone to do that to see if
3 he recovered all of his e-mails?

4 A He's the only one that can do that.

5 Q Did you direct him to do that in
6 your presence?

7 A No.

8 Q This is now January '07. Do you
9 know whether the e-mails were ever collected or
10 received by my client from July 6th to today?

11 A No.

12 Q Now, what was said on July 6th when
13 you met with my client?

14 A I told him why he was there.

15 Q What did you tell him?

16 A I told him that I was investigating
17 why he was not home, in violation of the sick leave
18 policy and procedures. He told me that he wanted
19 to be represented by PBA and an attorney, and I
20 told him I would set up a meeting for tomorrow
21 morning at 10:00.

22 Q Did you set it up?

23 A Yes.

24 Q How did you do that with the PBA?

25 A That's not my responsibility. I

Cross - Satriale

207

1 afforded him an opportunity to have an interview at
2 a different date.

3 Q Was the meeting of July 7th
4 stenographically recorded?

5 A No.

6 Q Was it audio recorded?

7 A No.

8 Q Was it video recorded?

9 A No.

10 Q Do you have a department procedure
11 or policy, or requirement, that an Internal Affairs
12 Investigation be recorded by some means, either
13 audio, video, or stenographically?

14 A No.

15 Q Did you make notes at that meeting?

16 A Yes.

17 Q Are they contained in your
18 investigative file?

19 A Yes.

20 Q What did you do with the
21 investigative file, after you completed filing it?

22 MR. O'NEIL: Objection to form.

23 MR. LOVETT: I'll tell you what,
24 I'll break it into tiny pieces for you.

25 Q What did you do with the

Cross - Satriale

208

1 investigative file, after you completed making it?

2 A Submitted a copy to the Chief of
3 Police.

4 Q For what?

5 A For his review.

6 Q Did he ever say anything to you
7 after he supposedly reviewed it?

8 A Yes.

9 Q What did he say?

10 A He informed me that he was -- well,
11 prior to reviewing it he informed me that Officer
12 Kempkes was being suspended on the 7th, and that he
13 expected my reports as soon as possible.

14 Q Did he say by whom Kempkes was
15 being suspended?

16 A He was suspending him.

17 Q Who?

18 A Chief of Police.

19 Q The Chief told you that he, the
20 Chief, was suspending my client?

21 A Yes.

22 Q Did he say whether that was with or
23 without pay?

24 A He did not say.

25 Q Did you come to learn that it was

Cross - Satriale

209

1 without pay?

2 A Yes.

3 Q How did you learn that?

4 A I do the payroll, so I had to
5 submit a memo to the payroll department, so some
6 time after the 7th the Chief would have told me to
7 submit that payroll memo.

8 Q How long has the pay list
9 suspension lasted?

10 A I don't know.

11 Q Is it still ongoing?

12 A No.

13 Q At some point in time you started
14 getting payroll checks and you put them in my
15 client's mailbox?

16 A Yes.

17 Q And after a period of time the
18 mailbox became full, right?

19 A No.

20 Q Since July 6th until now,
21 notwithstanding what has been put into the mailbox,
22 it never got full?

23 A Somebody has been emptying it.

24 Q Who?

25 A I don't know.

Cross - Satriale

210

1 Q Did the Chief tell you that it was
2 his decision alone to suspend my client without
3 pay?

4 A It never got that far.

5 Q I didn't ask you if it got that
6 far. Did he say that in words or substance?

7 A No.

8 Q Did you ask him in words or
9 substance?

10 A No.

11 Q Did you have any conversation with
12 the Chief?

13 MR. O'NEIL: I have an objection as
14 to the relevancy of the suspension with
15 regard to these charges. These charges
16 relate to the incident which occurred on
17 July the 6th of 2006. They have nothing to
18 do with the suspension that occurred
19 thereafter.

20 MR. LOVETT: Well, the whole series
21 of questions that I asked were without
22 objection and had nothing to do with the
23 hearing, either, but there was no
24 objection so I kept going. I appreciate
25 the free discovery since Counsel has now

Cross - Satriale

211

1 awaken from hibernation.

2 MR. O'NEIL: No, I just find it more
3 economic to let you go on your rants for
4 awhile, and sometimes you stop, sometimes
5 you don't, so I figured I would let you go
6 for awhile. If it gets a little too
7 redundant I object.

8 MR. LOVETT: I appreciate everything
9 I get since it is going to be used in a
10 different forum.

11 MR. O'NEIL: I know. I know.

12 MR. LOVETT: Yeah, you know it,
13 right?

14 Q What happened after you gave the
15 Chief the investigative file for his review, to
16 your knowledge?

17 MR. O'NEIL: Same objection.

18 MR. LOVETT: No, that has nothing to
19 do with the investigation.

20 MR. O'NEIL: If he wants to ask
21 about the investigation he can ask about
22 the investigation, but not the file or the
23 reports that were reviewed as a result of
24 that. That has no relevancy to these
25 charges.

Cross - Satriale

212

1 MR. LOVETT: It has every relevance,
2 because it has been brought out on the
3 Lieutenant's direct-examination, and I
4 asked that the file be produced and I
5 still haven't gotten it.

6 MR. O'NEIL: Seriously? Can we have
7 an adjournment and we will give him a copy
8 of the file now? It's right here. Do you
9 want to take a break?

10 MR. O'REILLY: Okay, let's take one
11 at a time.

12 MAYOR MARVIN: I'm prepared to
13 overrule that objection.

14 (Whereupon the Board was polled.)

15 MAYOR MARVIN: The objection is
16 overruled.

17 MR. O'REILLY: Let's have the
18 witness answer the question, and then if
19 you want to take a break to look at the
20 file now we will take a break.

21 MR. O'NEIL: Do you need the
22 question read back?

23 A Yes.

24 MR. O'NEIL: All right, can you read
25 back the question?

Cross - Satriale

213

1 (Whereupon, the last question was
2 read back by the reporter.)

3 A Officer Kempkes was suspended.

4 MR. LOVETT: Am I supposed to take a
5 break now?

6 MAYOR MARVIN: If you want one. Do
7 you want a break to review the file?

8 MR. LOVETT: No. I can't review
9 that file in five minutes.

10 MR. O'REILLY: We didn't say
11 five minutes. We will take whatever time
12 you want to review the file, if you want
13 to do it now or some other time.

14 MR. LOVETT: I'll take a copy
15 tonight, and I will review it, and if
16 there is anything that I have to follow-up
17 on I will.

18 MR. O'REILLY: So you don't wish to
19 review the file now?

20 MR. LOVETT: No, I want a copy of it
21 tonight.

22 MAYOR MARVIN: Right.

23 MR. O'REILLY: We will furnish you
24 with the production of the file when we
25 get to that later, but for now, at this

Cross - Satriale

214

1 point, you don't want to review the file?

2 MR. LOVETT: I'd like to look at it.
3 I can't in good conscience in this 15-watt
4 lighting I'm in review what looks like a
5 2-inch file and analyze it and come up
6 with some questions that will be
7 pertinent, and I don't think I have to do
8 that.

9 MR. O' REILLY: So we will take that
10 as a no.

11 MR. LOVETT: You can take that as
12 anything you want, but I want the file
13 tonight to review.

14 MR. O'REILLY: We heard that. Will
15 you please continue with your questioning?

16 MR. LOVETT: I'll review the file
17 right now. Let me have it.

18 MAYOR MARVIN: Okay, we will take --

19 MR. O'REILLY: Hold on. Mr. O'Neil,
20 do you wish to be heard?

21 MR. O'NEIL: Yes. Just so it's clear
22 for the record, we do have copies of the
23 Lieutenant's report. There has been no
24 requests prior to this hearing for any
25 information for any documents, all of

Cross - Satriale

215

1 which had he requested beforehand would
2 have been made available to him, and he
3 could have read them before this witness
4 would have testified. So we would hope
5 there would be no undue length to the
6 questioning because he failed to request
7 any of these things beforehand, but we do
8 have copies with us in case anyone needed
9 them.

10 MR. LOVETT: I must be missing
11 something. The law must have changed
12 since 2007. I'm not entitled to pre
13 hearing discovery. Everyone in this room
14 knows that I'm not entitled to pre hearing
15 discovery. To ask beforehand whether the
16 witness reviewed the document is absurd,
17 but having made that ridiculous
18 announcement, as Counsel has, let me have
19 the record.

20 MR. O' REILLY: So we will take a
21 break, at this time. Mr. Lovett, we will
22 ask for you to review the record, and if
23 you can give us an indication at some
24 point about how much time you think you
25 need to do that we will decide what we are

Cross - Satriale

216

1 going to do from there.

2 MR. LOVETT: Fine.

3 (Whereupon, a short recess was
4 taken by all parties.)

5 MAYOR MARVIN: Mr. Lovett?

6 MR. O'REILLY: All right, we are
7 back on the record.

8 CONTINUED CROSS EXAMINATION BY MR. LOVETT:

9 Q When have you made known the
10 directive, from time to time, that officers out on
11 sick or injured status have to come in periodically
12 and empty their mailbox?

13 A There is no specific schedule for
14 that. Whenever I deem it necessary for them to
15 come in and check.

16 Q Well, have you given that directive
17 to anybody other than my client?

18 A No.

19 Q You said that the record is not in
20 writing anywhere.

21 A No.

22 Q There is no policy embodying it?

23 A No.

24 Q Now, with respect to e-mails, isn't
25 there somebody who administers the e-mail system

Cross - Satriale

217

1 and has a pass code word to get in, like the Chief?

2 A I don't know if the Chief has
3 everybody's pass code. He administers the
4 department, so he administers officers and the
5 management records system.

6 Q So you know the Chief can access my
7 client's e-mails, if he wants?

8 A I don't know that, specifically.

9 Q Did you ever ask the Chief?

10 A No.

11 Q Did you ever ask the Chief if he
12 could check my client's e-mails and see if there is
13 1 or 100?

14 A No.

15 Q Did Sergeant Mitchell tell you that
16 following your directive he left a message that is
17 on the answering machine attached to my client's
18 home telephone number?

19 A That may be in his e-mail. I'm not
20 sure of the specific words in his e-mail.

21 Q Would it jog your memory if I told
22 you it was in your incident synopsis?

23 A If I reviewed it, yes.

24 Q Why don't you review it and see if
25 it jogs your memory? It's the third page of your

Cross - Satriale

218

1 report under incident synopsis, about six or seven
2 lines down?

3 MR. O'REILLY: Can we have what the
4 Lieutenant is looking at marked for
5 identification?

6 MR. LOVETT: Sure.

7 MR. O'NEIL: We have copies that are
8 marked. You don't have of a document that
9 was marked up, do you? We have copies of
10 them now that we can give you. We can show
11 those -- well, let me just see how badly
12 they were marked up. I was unaware until
13 tonight that the first couple of pages
14 were copied from a document we marked up.

15 MR. LOVETT: Do they have your notes
16 on them? I would like a copy.

17 MR. O'NEIL: Then we found a plain
18 one for you.

19 MR. LOVETT: I mean, there is a lot
20 of handwriting on the one you gave me
21 already.

22 MR. KURTZ: It's not ours.

23 MR. O'NEIL: I'm going to show Mr.
24 Lovett one of the copies and see if he has
25 any objection to those being provided to

Cross - Satriale

219

1 the Board. Since he is using this
2 document, if he wants to make copies he
3 can give it to you.

4 MR. LOVETT: I have no objection if
5 these marked up copies are marked for ID,
6 because it's just a series of underlines
7 and asterisks, and so on.

8 MR. O'REILLY: Okay.

9 MR. LOVETT: What do you want this
10 marked as, Board's 4 for ID?

11 MR. O'REILLY: Well, I think since
12 you are the one asking him the questions
13 it should be marked Kempkes' 8.

14 MR. LOVETT: I'm not asking that it
15 be marked for ID, you are.

16 MR. O'REILLY: Fair enough. We will
17 mark in as Board's Exhibit 4 for
18 identification.

19 (Whereupon, a document was received
20 and marked as Board's Exhibit 4, for
21 identification, as of this date.)

22 Q Lieutenant, take a look at Board's
23 4 for ID, third page under incident synopsis, sixth
24 line down.

25 A Okay.

Cross - Satriale

220

1 Q You see where it says with respect
2 to Mitchell that he reported he left a message on
3 an answering machine attached to Officer Kempkes'
4 home telephone number?

5 A Yes.

6 Q Did he tell you that?

7 A Yes.

8 Q Did he tell you what the phone
9 number was?

10 A No. I think in his e-mail.

11 Q Did he tell you that the answering
12 machine was one connected to Kempkes' home
13 telephone number?

14 A It's the only telephone number we
15 have in the department that we could call.

16 Q Did he tell you that? I don't care
17 what you have on the record.

18 A Directly?

19 Q Yes or no.

20 A No.

21 Q Then why did you put it in the
22 report?

23 A Because it's the only telephone
24 number that we have for Officer Kempkes, and when
25 he was directed to call Officer Kempkes at home

Cross - Satriale

221

1 that is the phone number he used.

2 Q Let's go back to the incident
3 synopsis. The fifth line, "at or about 10:55 hours
4 Sergeant Mitchell reported to my office that he
5 left a message on an answering machine attached to
6 Officer Kempkes' home telephone number."

7 A Right.

8 Q Did he tell you that, yes or no?

9 A I can't answer yes or no to that.

10 Q Then why did you put that in the
11 report that he told you that?

12 A Because indirectly, yes, he did
13 tell me that.

14 Q How did he do it, indirectly?

15 A Because when I said Sergeant
16 Mitchell, call Officer Kempkes at home and have him
17 come in and clean out his mailbox, and check his
18 e-mails, and five minutes later he reported to me,
19 I called him and got an answering machine, there
20 was an assumption on my part, at that time, that he
21 called him at home, which is the only number we
22 have. In the 15 years that Officer Kempkes is here
23 we only have a home phone number. It has changed,
24 from time to time, but his home number is the only
25 number we have for contact for him.

Cross - Satriale

222

1 Q All right. Is there anything you
2 purposely left out of the incident synopsis?

3 A Absolutely not.

4 Q Would you read to me, or just tell
5 me where in it there is a reference to you giving a
6 Garrity Warning?

7 A It's not in here.

8 Q Did you purposely leave that out?

9 A No.

10 Q Did you think it was important that
11 you gave, or claim you gave the Garrity Warning?

12 A Actually, no.

13 Q Then why did you give it?

14 A At the time --

15 MR. LOVETT: Withdrawn. Withdrawn.

16 Q You said on direct-examination that
17 you wanted Kempkes to come in and empty his
18 mailbox, and to read his e-mails?

19 A Yes.

20 Q Except in the second and third line
21 under incident synopsis you say that, "I wanted
22 Kempkes to come to police headquarters to read his
23 departmental e-mails and to check his mail slot at
24 the police desk."

25 A Right.

1 Q If you wanted him to empty his
2 mailbox why didn't you say that?

3 | A It's the same thing.

4 Q That's the same thing as to what
5 you ordered him to do?

6 A If I say empty your mailbox or
7 clean out your mail slot, it's the same thing to
8 me.

9 Q You said to check his mailbox. Is
10 there a reason you didn't say either?

11 A Again, same answer.

12 Q Well, what did you actually direct
13 that he do, come in to clean out his mailbox, to
14 look at his mailbox, or to check his mailbox, or
15 something else?

16 A I'm not sure which exact words I
17 used. Every member of the department would
18 understand what I meant if I said check it, clean
19 it, empty it. It all means come in and look at the
20 mail, review the mail in your mailbox. I cannot
21 recall the exact words that I used.

22 Q How is it that you did on direct
23 when you told us --

24 A I didn't.

25 MR. O'NEIL: Objection. Objection.

Cross - Satriale

224

1 He didn't testify those were the precise
2 words that he said.

3 MR. LOVETT: Yes, he did, but the
4 record will show what he said.

5 MR. O'NEIL: Yes, it will.

6 MR. LOVETT: We'll deal with that
7 later.

8 Q Okay, let's go back to your
9 incident synopsis. Eighth line down there is a
10 reference to Officer Kempkes reported sick or
11 injured. Did he report sick on July 6 '06, yes or
12 no?

13 A No.

14 Q Did he report injured on July 6
15 '06?

16 A Yes, he did.

17 Q Who did he call?

18 A His doctor's note put him out
19 injured.

20 Q The doctor's note was a report of
21 injury on July 6 '06?

22 A Absolutely.

23 Q And the date of the doctor's note
24 was what?

25 A The doctor's note was dated April

Cross - Satriale

225

1 25 '06, and kept him out injured until August 15
2 '06, when he was reevaluated.

3 Q So it was July 6th that he called
4 in injured, or was it April 25 '06?

5 A He didn't call in on either date.

6 Q Okay. So on July 6 '06 he did not
7 call in sick, right?

8 A No.

9 Q No, he did not, right?

10 A Correct.

11 Q Okay, and he did not on that day
12 call in injured, either, did he?

13 A Correct.

14 Q Do you have, I'd like you to turn
15 to the sick leave policy that is contained in your
16 investigative report, and we will look at Exhibit
17 3A in evidence. Do you see capital A about
18 three-fifths of the way down the first page?

19 A Yes.

20 Q And just above it it says in bold
21 face caps, **PROCEDURE FOR REPORTING SICK**, doesn't
22 it?

23 A Yes.

24 Q So is what follows on that page the
25 procedure for reporting sick?

Cross - Satriale

226

1 MR. O'NEIL: Objection. The document
2 speaks for itself. It's got the purpose
3 listed up above. If he's going to ask for
4 an interpretation of this document, or his
5 opinion of what it means, we will let him
6 testify as to that, but it should not be
7 augmented.

8 MR. LOVETT: Not at all. In fact,
9 with the cute testimony elicited on direct
10 you are made to believe that this policy
11 and the procedures for reporting sick
12 applies to an injured, and my client
13 didn't report sick or injured on that
14 date, July 6th, and the procedure for
15 reporting sick is quite clear. It has
16 nothing to do with the events of July 6th,
17 so we can chalk it up to a nice try by the
18 prosecuting attorney, but I'm entitled to
19 ask this witness questions as to what he
20 understands the plain meaning of 3A in
21 evidence is.

22 MR. O'NEIL: If I could be heard on
23 this, the policy that's in evidence as
24 Department's Exhibit 3A clearly talks
25 about the purpose for people whether or

Cross - Satriale

227

1 not they are out sick or injured, and it
2 also, despite what Mr. Lovett or Mr.
3 Kempkes may have argued, at this time,
4 there was no misunderstanding on his part
5 that this policy applied to him, and he
6 had already taken a command discipline,
7 forfeited 12 days of pay for having
8 violated the same policy while he was out
9 "injured" in 2003. So to make this
10 argument as something he may do after the
11 fact, but he was told that this policy
12 applied, he lived up to it, he called in,
13 he took a whack when he got caught once
14 before, and now this is the second time he
15 got caught.

16 Now he may argue it doesn't apply,
17 but he was directed to follow it. So even
18 if he can argue that it may have been
19 vague or unclear, or whatever, he was
20 directed to follow this policy, and he has
21 previously been disciplined for not
22 following it. So to say now the policy
23 doesn't apply, even though he was directed
24 to follow it, this would be the wrong way
25 to go about it. It would be after the

Cross - Satriale

228

1 fact, Article 78 to say you cannot apply
2 these rules to this officer.

3 MR. LOVETT: That's a great
4 assumption, but it's irrelevant, and I
5 still have questions to ask of the
6 Lieutenant now that the interference seems
7 to have slacked. May I proceed?

8 MAYOR MARVIN: Yes.

9 MR. O'REILLY: We need a ruling on
10 the objection. Do you wish to have the
11 question answered, or are you withdrawing
12 the question?

13 MR. LOVETT: I'm not withdrawing
14 anything.

15 MR. O'REILLY: Fine.

16 MAYOR MARVIN: We are going to take
17 a caucus.

18 MR. O'REILLY: All right, we are
19 going to ask the audience to leave while
20 we caucus.

21 (Whereupon the Board conducts a
22 caucus.)

23 MAYOR MARVIN: Okay, the Board is
24 going to overrule that objection and allow
25 Lieutenant Satriale to answer your

Cross - Satriale

229

1 question, Mr. Lovett.

2 MR. LOVETT: Okay.

3 MR. O'REILLY: So we will need to
4 have it read back.

5 A Yes, I forgot the question.

6 (Whereupon, the last question was
7 read back by the reporter.)

8 A Yes.

9 Q Next to A you see where it says a
10 member of the department reporting sick is to, and
11 then follows?

12 A Yes.

13 Q Are the things that are listed
14 under A1 through 7 the things that somebody
15 reporting sick is required to do?

16 A Yes.

17 Q How many times have you had my
18 client checked on at his home during the period of
19 time he was out job injured?

20 A I don't know, specifically.

21 Q More than once?

22 A How many times?

23 Q More than once?

24 A Yes.

25 Q More than 10 times?

Cross - Satriale

230

1 A I don't believe so.

2 Q But you're not sure?

3 A No.

4 Q Would you identify for me each
5 other member of the department that has been out
6 sick or job injured, and you've had somebody check
7 on their presence at their home?

8 A None.

9 Q Is there a department policy,
10 practice, or system by reason of which when an
11 officer is out sick somebody in the department is
12 supposed to verify that they are at home?

13 A That's not a question I can answer
14 yes or no to.

15 Q You can't answer that?

16 A It depends on the circumstances.

17 Q Is there a written policy,
18 procedure, rule, regulation, or order that requires
19 the department to check on an officer out sick to
20 see if they are at home?

21 A This policy applies in that there
22 is no specific written directive that says every
23 third day you'll call and check on somebody, or
24 every Tuesday in October, no.

25 Q Okay. In Exhibit 3A in evidence

Cross - Satriale

231

1 would you read me the line or lines that say that
2 whenever someone is out sick the department has to
3 check and make sure they are home?

4 A It's not specific.

5 Q You will acknowledge that it's not
6 there?

7 A No, it's not.

8 Q When someone is job injured is
9 there a written policy, practice, rule, or order
10 that requires that somebody in the department on
11 duty check on that person to make sure that they
12 are at home?

13 A No, nothing written, other than
14 this policy and the logs that are kept in
15 accordance with that policy.

16 Q And will you agree with me that in
17 3A in evidence there is nothing, whatsoever, in
18 words or substance that requires that any officer
19 that is out on job injured status has to be checked
20 on to make sure that they are at home, right?

21 A Correct.

22 Q Going back to your incident
23 synopsis, the ninth line down under that subheading
24 makes a reference to numerous attempts to reach
25 someone at the house by ringing the doorbell. Who

Cross - Satriale

232

1 made those numerous attempts?

2 A Me.

3 Q How many was numerous?

4 A Three.

5 Q Didn't you testify on
6 direct-examination that after the first occasion
7 you went around the back to see if anybody was on
8 the back porch or deck?

9 A Yes.

10 Q Take a look at your report and see
11 if that jogs your memory where it says a walk
12 around of the exterior of the residence revealed no
13 members of the household were in the rear yard.

14 (Whereupon, the witness peruses a
15 document.)

16 A Correct.

17 Q If you were checking the porch or
18 the deck why did you make reference to the rear
19 yard?

20 A Because the deck is in the rear
21 yard.

22 Q Oh, so you misspoke?

23 A I didn't misspeak.

24 MR. O'NEIL: Objection.

25 Q Today when you were testifying you

Cross - Satriale

233

1 were checking the deck you meant that to be the
2 same thing as checking the rear yard?

3 A I checked both. I walked to the
4 rear yard which is where the deck is located, saw
5 nobody in the yard, and nobody on the deck.

6 Q Then if you skip down you see the
7 bold faced reference to **attachment five**?

8 A Yes.

9 Q Following that it makes reference
10 to you, "I remained parked at the residence and
11 made additional attempts to reach someone by
12 ringing the doorbell."

13 A Yes.

14 Q Were those additional attempts part
15 of the three attempts you just explained you made?

16 A Well, you stopped at doorbell. If
17 you continued it said "made additional attempts to
18 reach someone by ringing the doorbell at 1150 hours
19 and was met with negative results." That 1150
20 hours is one of the three attempts I made.

21 Q So at 1150 you made additional
22 attempts, plural?

23 A Well, if I rang the bell more than
24 once --

25 Q Did you?

Cross - Satriale

234

1 A Yes.

2 Q And if you look down on the next to
3 last paragraph on that first page of incident
4 synopsis it makes reference to July 7 '06 being a
5 Friday. Do you see that?

6 A Yes, on Friday, July 7, 2006.

7 Q Okay, so the day you had someone
8 try and get my client in to check or look at, or
9 empty his mailbox was a Thursday, right?

10 A Correct.

11 Q And on that Thursday you put a
12 paycheck in my client's mailbox?

13 A Correct.

14 Q Was the mailbox full or empty when
15 you did that?

16 A Clearly there was enough mail in
17 there to indicate that he had not been in to check
18 his mail. I don't know if it was full or not.

19 Q Was there one more piece of mail on
20 the 6th of July, after you put the paycheck in
21 there, than there had been the preceding Thursday
22 when you put a paycheck in there?

23 A Sure. The paycheck would have been
24 one more pieces of mail. I'm not sure of the exact
25 number besides that.

Cross - Satriale

235

1 Q But there was one additional piece
2 of mail on July 6th, that being a check you put in
3 there that day, preceding what had been there the
4 Thursday before?

5 A I don't know.

6 Q Who puts things in the mailbox,
7 anybody?

8 A Yes.

9 Q And anybody can take things out?

10 A Yes.

11 Q Now, at the interview on July 7th
12 did my client ask to tape-record the matter?

13 A Yes.

14 Q What did you tell him?

15 A No.

16 Q Why did you tell him no, so you
17 could have had a complete, accurate record of what
18 was said?

19 A Because we have no policy or
20 procedure governing tape-recording on our site, and
21 we do not tape-record, and we do not allow people
22 that are being interviewed to tape-record.

23 Q Who says it's not allowed?

24 A We say. We set the rules of
25 interview.

Cross - Satriale

236

1 Q What's the rule that says no
2 tape-recording of Internal Affairs Investigations?

3 A That's it.

4 Q Written?

5 A Not written.

6 Q Just you under the verbal rule?

7 A Yes.

8 Q Now, do you recall any mention
9 being made on July 7th during a meeting with my
10 client and a PBA Rep. about any memo or memos
11 issued by the Chief regarding Chapter 19 Section
12 2.0?

13 A Yes.

14 Q Were those documents in your
15 presence during that discussion?

16 A No.

17 Q Who made reference to them?

18 A Your client.

19 Q And what did he say about them?

20 A He said he had been trying to
21 obtain Chapter or Article 19 of the rules and
22 regulations from the Chief for some time.

23 Q Did he say anything about any memos
24 where the Chief had indicated that he, Kempkes, had
25 violated that chapter and section?

Cross - Satriale

237

1 A No.

2 Q Are you sure?

3 A Yes.

4 Q Did my client, to your
5 recollection, say anything about the Chief having
6 written at least two memos to him making reference
7 to a non existent rule?

8 A No.

9 Q You don't recall that?

10 A No, I know he did not. He
11 continued to say he was attempting to get this
12 section, and he was met with negative results every
13 time he tried to get it, and he said, I can't
14 follow something I don't have, and that's when I
15 continued to remind him that I was not proceeding
16 under Article 19. I had never seen it. We were
17 proceeding under the sick leave policy and
18 procedures.

19 Q Did you ask my client why he was
20 trying to get a copy of Article 19?

21 A No.

22 Q Did he tell you?

23 A No.

24 Q He didn't make reference to two
25 memos from the Chief of Police that referenced that

Cross - Satriale

238

1 article or chapter and section?

2 A No.

3 Q Have you ever seen those memos?

4 A No.

5 Q You're sure?

6 A Yes.

7 Q You say that Officer Kempkes has a
8 home in Connecticut?

9 A Yes.

10 Q If he wanted to, could he have
11 remained indoors at his home in Connecticut on
12 July 6th?

13 A He would have had to notify us that
14 he was leaving his home in Eastchester.

15 Q Well, if he had been in Connecticut
16 at his home he was at his home, wasn't he?

17 A No, his residence is in
18 Eastchester. He lives in Eastchester. The address
19 on file with the department is the Eastchester
20 address. That's where he is expected to be.

21 Q Where is that written?

22 A Where is that written?

23 Q Where is it written that he has to
24 stay in the Eastchester residence if he's out job
25 injured or sick?

Cross - Satriale

239

1 A It's not written anywhere. It's
2 written that he lives in Eastchester. That is what
3 he notified the department, that he lives in
4 Eastchester, at the time, not Connecticut.

5 Q How do you know he has a house in
6 Connecticut?

7 A Because he called from his house in
8 Connecticut to say that he was too ill to come
9 home.

10 Q So you understood he was at home in
11 his residence in Connecticut?

12 A He was at his residence in
13 Connecticut. If he called at home I don't know why
14 he was calling to say I can't come home, I'm in my
15 Connecticut house in the past.

16 Q Well, when he called in from the
17 Connecticut residence sick or injured, was he
18 violating the sick leave policy, 3A in evidence?

19 A No.

20 Q Do you know he has a Florida home?

21 A No.

22 Q On July 6th why did you choose the
23 Eastchester residence as opposed to the Connecticut
24 residence to ascertain my client's whereabouts?

25 A That is the address that he has on

Cross - Satriale

240

1 file with the department. That's the first place I
2 went. I was en route to Connecticut after that,
3 because he came to his home in Eastchester prior to
4 me being able to go to Connecticut.

5 Q Did you have a phone number for the
6 Connecticut residence?

7 A Yes.

8 Q Did you call it?

9 A No, I did not.

10 Q So you were prepared to drive to
11 that residence rather than calling?

12 A Yes.

13 MR. LOVETT: I have nothing further
14 on cross-examination, but I'm reserving my
15 right to recall this Lieutenant on my
16 case.

17 MAYOR MARVIN: All right.

18 MR. O'REILLY: So noted.

19 MR. O'NEIL: I don't know why he
20 would have a right to recall him without
21 subpoenaing him. He's a witness. He's
22 here. We put him on and we produced him.
23 He is subject to cross-examination. We are
24 not representing that we are making him
25 available, just so that is clear, also.

Cross/Redirect - Satriale

241

1 MR. LOVETT: Well, I'll tell you
2 what, I don't see what the point of that
3 statement is, but the Lieutenant was
4 subpoenaed by me.

5 MR. O'NEIL: He was not subpoenaed.

6 MR. LOVETT: Please, excuse me. I'm
7 talking. Let him disregard my subpoena
8 and we will fight it out in Supreme Court
9 where I can have him held in contempt. If
10 you want to play that smart ass game that
11 is fine. It's his reputation at stake.

12 MR. O'REILLY: We have your comment
13 on the record. We will deal with that when
14 we get to that point.

15 MR. LOVETT: Fine.

16 MR. O'REILLY: Do you have any
17 questions, Mr. O'Neil?

18 MR. O'NEIL: Just a few.

19 REDIRECT EXAMINATION BY MR. O'NEIL:

20 Q Lieutenant Satriale, the officers
21 you mentioned who have been out for extended
22 periods of time, Officer Dorre, did he ever accept
23 command discipline for violating the department
24 sick leave policies and procedures?

25 A No.

Redirect - Satriale

242

1 MR. LOVETT: Objection. It is
2 totally irrelevant. Here we go again
3 poisoning the record. Why don't you see if
4 you can put it in bold face and underline
5 it next time, Counsel.

6 MR. O'NEIL: There is an argument by
7 Counsel that he had no idea that this
8 policy and procedure was applicable, so
9 even if this evidence is offered to show
10 the ridiculousness of that argument, to
11 show that not only did he have knowledge
12 that this policy applied, but he had
13 accepted command discipline, which I
14 believe was the most serious command
15 discipline in the history of the
16 department up to that time, so for him to
17 make that argument that that has no
18 relevancy when his argument here is that
19 he didn't believe this applied, whether it
20 poisons the record or not, certainly the
21 relevancy of that outweighs the facts of
22 keeping it out. And why people would be
23 treated differently, if someone has
24 violated the policy, you are certainly
25 entitled to treat them differently than

Redirect - Satriale

243

1 someone who never violated the policy, so
2 I think this is extremely relevant to
3 examine why he was treated differently.
4 There is no question he was treated
5 differently. You know, people say you
6 discriminate. Well, you are allowed to
7 discriminate if there is a reason to do
8 it, if you're a sick leave abuser or
9 offender rather than someone who never
10 violated the trust of getting these days,
11 getting paid for staying home, and taking
12 care of themselves as opposed to people
13 wandering around and the events
14 surrounding the initial discipline are
15 obviously very serious, and what he did in
16 that regard will come out through another
17 witness, but certainly the Board is
18 entitled to know that the reason Officer
19 Dorre may have been treated differently
20 than Officer Kempkes is because Officer
21 Dorre was never taking command discipline
22 for violating the same policy before.

23 MR. LOVETT: I appreciate that, even
24 though it is irrelevant. We reserved our
25 rights to litigate in Federal Court, but

Redirect - Satriale

244

1 as Counsel so eloquently stated, it is a
2 sort of sloppy attempt to articulate a
3 selective prosecution claim. That is one
4 of our claims we advanced in Federal
5 Court. It is not for you folks to decide.
6 It is for a jury to decide what the
7 damages are going to be. So having
8 poisoned the well once again and telling
9 everybody that the poison is more than the
10 prejudice I congratulate Counsel. He
11 probably could not do more to damage the
12 record in this case than he already has
13 done, but I'm sure he will give it another
14 shot.

15 MR. O'NEIL: I didn't bring up
16 Officer Dorre, Officer Murray, or Officer
17 Panzarino, or Officer Mitchell. It was all
18 brought up on cross. I'm certainly
19 entitled to go into why they were treated
20 differently on redirect.

21 MAYOR MARVIN: I'm prepared to
22 overrule the objection.

23 MR. LOVETT: Incidentally, before
24 you do that, since Counsel announced what
25 my client got is the most serious

Redirect - Satriale

245

1 punishment ever meted out in the
2 department, you have to look behind that.
3 You have one officer who committed an
4 assault on a civilian, and guess what he
5 got, nothing. Guess who was a witness,
6 the good Lieutenant Satriale. What he got
7 was nothing. False reports were filed.
8 Nobody got more serious punishment because
9 they were the good old fair-haired boys.

10 MR. O'REILLY: We have a ruling.
11 Can we have the Lieutenant, would you
12 answer the question, please? Do you need
13 to have it read back?

14 MR. O'NEIL: Do you need the
15 question read back?

16 A No. Did Dorre ever receive command
17 discipline, no.

18 Q How about Officer Murray?

19 A No.

20 Q By the way, with regard to Officer
21 Murray, was his home ever visited with regard to
22 the utilization of sick leave?

23 MR. LOVETT: Objection, leading.

24 MR. O'NEIL: Yes, it's redirect.

25 MR. LOVETT: It's leading. It

Redirect - Satriale

246

1 doesn't matter if it's re re redirect.

2 MR. O'NEIL: It's your
3 cross-examination that went into this
4 area.

5 MR. LOVETT: It doesn't make your
6 question proper, Counselor. You know
7 better than that. Maybe you don't.

8 MR. O'NEIL: You use the same lines
9 in every place, Mr. Lovett. They are not
10 successful then or this time.

11 MR. LOVETT: Because you make the
12 same mistake every time. It's boring.

13 MAYOR MARVIN: All right, can you
14 read back the question, please?

15 (Whereupon, the last question was
16 read back by the reporter.)

17 A Not at my direction, no.

18 Q Okay. So the answer you gave on
19 cross-examination about others not having their
20 home visited, the answer was limited to your
21 direction?

22 A I believe that is what the question
23 was, have I ever.

24 Q Officer Panzarino, has he ever, to
25 your knowledge, violated the sick leave policy and

Redirect - Satriale

247

1 procedures?

2 A No.

3 Q Officer Mitchell, same question.

4 A Sergeant Mitchell.

5 Q Sergeant Mitchell, I'm sorry, same
6 question.

7 A No.

8 MR. O'NEIL: I'm going to ask that
9 the witness be shown Department's
10 Exhibit 4.

11 (Whereupon, a document was handed
12 to the witness.)

13 Q Lieutenant Satriale, have you seen
14 that document prior to July 6, 2006?

15 MR. LOVETT: 4 was not the subject
16 of cross. This is improper redirect.

17 MR. O'REILLY: Mr. O'Neil?

18 MR. O'NEIL: The cross-examination
19 focused on different treatment between
20 Officers Dorre, Murray, Panzarino,
21 Mitchell, excuse me, Sergeant Mitchell,
22 and Officer Kempkes. On redirect I'm
23 entitled to go into why he was treated
24 differently. Part of the reasons as an
25 offer of proof that he may have been

Redirect - Satriale

248

1 treated differently is that he had agreed
2 in the past that he violated this policy,
3 had been punished by forfeiting
4 compensatory time, 12 vacation days, and
5 now I'm trying to inquire as to whether or
6 not because of that there was a reason to
7 treat him differently, and why he was
8 treated differently. Whether someone had
9 directed Lieutenant Satriale to keep an
10 eye on this guy while he was going to stay
11 out is part of it, and whether or not he
12 was aware of this resolution through
13 command discipline.

14 MR. LOVETT: Exhibit 4 still wasn't
15 discussed or referenced in
16 cross-examination. It's improper redirect,
17 but I was right before, Counsel has
18 enhanced the legal meadow muffin he
19 deposited when we first began this
20 hearing, and once again put into play the
21 prior convictions, which was a product, I
22 can even guess, of lousy legal advice.

23 MAYOR MARVIN: I'm prepared to
24 overrule that objection.

25 (Whereupon the Board was polled.)

Redirect - Satriale

249

1 MAYOR MARVIN: Objection overruled.

2 Continue.

3 A No.

4 MR. O'NEIL: Can I ask that the
5 witness be shown Department's Exhibit 9?

6 (Whereupon, a document was handed
7 to the witness.)

8 MR. LOVETT: 9 wasn't the subject of
9 cross-examination. It's improper redirect.

10 Q Lieutenant Satriale --

11 MR. O'REILLY: Hold on. Hold on. We
12 have an objection. Same response?

13 MR. O'NEIL: It's the same response.
14 This is just a summary of the other
15 document.

16 MAYOR MARVIN: I'm prepared to
17 overrule the objection.

18 (Whereupon the Board was polled.)

19 MR. LOVETT: Also aggravating the
20 old meadow muffin again. We are back to
21 the 2003 supposed conviction for being
22 naughty for violating a rule when my
23 client was on sick leave having illegally
24 been denied 207C Status by the Chief who
25 later reversed himself after these

Redirect - Satriale

250

1 charges. The 2003 events, as I said
2 earlier, or the first night, have nothing
3 to do with the issue at hand, because
4 tonight and last time we are dealing with
5 someone who was on 207C Status, not sick
6 leave, and presto chango the Chief of
7 Police put that in writing himself. It's
8 in evidence. So repeated referencing to a
9 command discipline or most serious offense
10 meted out by someone who was not one of
11 the fair-haired boys here just makes it
12 worse, but over my objection I'm sure you
13 will let Mr. O'Neil go forward.

14 MAYOR MARVIN: Yes, we already
15 overruled the objection, so continue,
16 please.

17 A Yes.

18 Q And the subsection mentioned in
19 Department's Exhibit 9, Section A6, is that the
20 same Section A6 provision that you were
21 investigating with regard to Officer Kempkes?

22 MR. LOVETT: Objection, leading.

23 MR. O'NEIL: Maybe I'm wrong on
24 this. We have legal Counsel, but when his
25 cross-examination goes into areas that

Redirect - Satriale

251

1 were not covered directly on
2 direct-examination I think I have the same
3 leeway on redirect to ask leading
4 questions.

5 MR. LOVETT: You're wrong, as a
6 matter of law. I'm glad you realized your
7 possible frailty.

8 MAYOR MARVIN: I'm prepared to
9 overrule that objection.

10 (Whereupon the Board was polled.)

11 MAYOR MARVIN: Objection overruled.

12 Continue.

13 A Yes, it is the exact same section.

14 Q After Officer Kempkes had agreed to
15 forfeit the compensatory time and the vacation time
16 for having violated Department's Exhibit 3A,
17 Subsection 6, did the Chief give you any direction
18 as to how to handle Officer Kempkes' absences in
19 the future?

20 A There was no vacation time. It was
21 compensatory time as a suspension.

22 Q Oh, I'm sorry. I'm sorry, it was a
23 12 day suspension, 12 days of compensatory time.
24 Following that, did the Chief give you any
25 direction as to how to handle Officer Kempkes'

Redirect - Satriale

252

1 absences?

2 A Yes.

3 Q What did he tell you?

4 A Make sure he's home. Continue to
5 check on him.

6 Q Can officers in the department
7 check their e-mails from outside of the department
8 computers?

9 A No.

10 MR. LOVETT: Objection. There is no
11 foundation that this witness has any
12 competency to answer that. How does he
13 know?

14 MAYOR MARVIN: I'm prepared to
15 overrule that objection.

16 MR. LOVETT: Of course you are.

17 (Whereupon the Board was polled.)

18 MAYOR MARVIN: Objection overruled.
19 Continue.

20 A No, same answer.

21 Q During any of the prior checks of
22 Officer Kempkes' home, prior to July 6th of 2006,
23 did you ever have any conversations with him with
24 regard to him being out on the deck or in his
25 backyard?

Redirect - Satriale

253

1 A Yes.

2 Q Can you tell us the circumstances
3 under which that arose?

4 MR. LOVETT: Totally improper
5 redirect. It doesn't come up remotely on
6 cross.

7 MR. O'NEIL: We spent 15 minutes on
8 the deck, the back of the house.

9 MAYOR MARVIN: I'm prepared to
10 overrule the objection.

11 MR. O'NEIL: Thank you.

12 (Whereupon the Board was polled.)

13 MAYOR MARVIN: Objection overruled.

14 MR. LOVETT: Before you get so
15 excited and overrule all the objections,
16 Ms. Mayor, there was no question about any
17 conversations about the deck or the porch
18 which my client referenced on direct or
19 cross examination. Why don't you just
20 disband what minimal rules of evidence
21 there are here so that Mr. O'Neil can ask
22 whatever he has to to try and catch up.

23 MR. O'NEIL: With all do respect, it
24 is not minimal rulings of evidence
25 applicable here. There are no rules of

Redirect - Satriale

254

1 evidence applicable in this hearing.
2 Certainly they apply when they help get
3 out the truth, but it is clear that the
4 rules of evidence do not apply.

5 MR. LOVETT: They won't be answered
6 in this kangaroo forum. They will be
7 answered in Federal Court.

8 MR. O'NEIL: You can answer the
9 question. Do you remember it?

10 A Yes. There was a time when Officer
11 Kempkes did not answer the door at his home, and a
12 subsequent conversation I had with him where he
13 said he had been on the deck in the rear yard of
14 his home and he didn't hear the doorbell.

15 MR. O'NEIL: Can I ask that the
16 witness be shown Department's Exhibit 2?
17 (Whereupon, a document was handed
18 to the witness.)

19 Q Could you turn to Article 4,
20 Subsection 4.1?

21 MR. LOVETT: Objection. This has no
22 bearing on cross-examination. It was not
23 the subject of direct. It's improper
24 redirect, but I'm sure that the Mayor will
25 be inclined to overrule my objection, just

Redirect - Satriale

255

1 as she has on almost every other major
2 point.

3 MR. O'NEIL: There is no question
4 yet, so I don't know what you are
5 objecting to.

6 MR. LOVETT: I'm objecting to the
7 subject matter. It is sort of obvious.

8 MR. O'NEIL: You spent almost --

9 MR. LOVETT: Do you think the
10 reporter can take us both down? Guess
11 again. It wasn't the subject of direct.
12 It's not the subject of cross. It's
13 improper redirect.

14 MR. O'NEIL: There was, again, 20
15 minutes, at least, as to why he was
16 performing his supervisory duties by
17 spending time at Officer Kempkes'
18 residence as opposed to doing other things
19 that Mr. Lovett may have thought were more
20 important, so I think I'm entitled on
21 redirect to inquire as to that.

22 MAYOR MARVIN: I'm prepared to
23 overrule the objection.

24 (Whereupon the Board was polled.)

25 MAYOR MARVIN: Objection overruled.

Redirect/Recross - Satriale

256

1 Continue.

2 Q Are you familiar with the provision
3 of Article 4 of the rules and regulations,
4 Lieutenant Satriale?

5 A Yes.

6 MR. O'NEIL: I have no further
7 questions of this witness.

8 MR. LOVETT: You led us right up to
9 an exciting subject and walked away.

10 RECROSS EXAMINATION BY MR. LOVETT:

11 Q Lieutenant, would you put the rules
12 and regulations on the table, please? I have a
13 question for you. Just put them down.

14 A I am. I'm putting them in the
15 order I like them, in case I have to refer to them
16 again.

17 Q Fine. You are familiar with the
18 rules and regulations?

19 A Yes, I am.

20 Q Okay, what does Article 8 pertain
21 to?

22 A I do not have them committed to
23 memory.

24 Q You don't know the substance of
25 Article 8?

Recross - Satriale

257

1 A No, I do not.

2 Q How many articles are there in the
3 rules and regulations?

4 MR. O'NEIL: I'm going to object to
5 this line of questioning.

6 A I don't know.

7 MR. LOVETT: I do, too.

8 Q You had a conversation with my
9 client and he said he had been on the deck when you
10 were ringing the front doorbell?

11 A Yes.

12 Q When was that?

13 A I don't remember.

14 Q Did you not make any written record
15 of it?

16 A No.

17 Q What year was that?

18 A I don't know.

19 Q But the event is indelibly etched
20 in your memory?

21 A Yes, because I knew the next time I
22 would ensure that I checked the backyard and the
23 deck. I gave him the benefit of the doubt that
24 time.

25 Q So it was the very next time after

Recross - Satriale

258

1 you had that conversation with my client that the
2 events of 7/6/06 occurred?

3 A Yes.

4 Q When did the Chief tell you to make
5 sure Kempkes was at home, and check on him, as you
6 testified?

7 A I don't remember specific dates.

8 Q What year?

9 A I don't know.

10 Q What season?

11 A I don't know.

12 Q Did he tell you that in writing?

13 A No.

14 Q Did he tell you with respect to any
15 other member of the force to make sure that they
16 are at home, and check on them?

17 A No.

18 Q You are certain?

19 A Positive.

20 Q Now, you said that somebody checked
21 on Murray when he was at home?

22 A Yes.

23 Q That's firsthand knowledge to you?

24 A No.

25 Q How did you learn about that?

Recross - Satriale

259

1 A Through procedures of the
2 department, memos that came out, and procedures
3 that followed.

4 Q What memos and what procedures?

5 A I believe there was a, there is an
6 ongoing court proceeding about that visit to his
7 home.

8 Q What was the nature of the
9 proceeding?

10 A I don't know the specifics.

11 Q What year was the proceeding?

12 A 2005, 6, I'm sorry.

13 Q Do you know who directed that
14 someone check on Murray?

15 A The Chief.

16 Q Who was the Chief, at that time?

17 A Brian Downey?

18 Q Did he tell you the reason he
19 wanted someone to check on Murray?

20 A I was not personally involved in
21 any of that.

22 Q Did he tell you, at any point in
23 time, why he had someone check on Murray's
24 presence, or lack of presence at his home?

25 A I was not personally involved in

Recross - Satriale

260

1 that, so no, he did not.

2 Q I'm not asking if you were
3 personally involved.

4 MR. O'NEIL: Objection. He answered
5 the question.

6 Q Did he ever tell you in words or
7 substance why he directed that Murray be checked
8 out?

9 A No.

10 Q Did anybody ever tell you what the
11 reason was?

12 A No.

13 Q And the ongoing procedure or
14 litigation pertained to what?

15 A I believe Murray losing a day's
16 pay. A memo came out similar to the command
17 discipline that he was forfeiting a day, or losing
18 a day's pay.

19 Q For what?

20 A As a result of not being home when
21 sick.

22 Q Was that the product of command
23 discipline?

24 A I don't know. You've got to keep
25 in mind, I wasn't personally involved in this, so I

Recross/Re Redirect/Re Re Recross - Satriale

261

1 don't know the facts.

2 Q But you saw the memo that said he
3 lost a day's pay for not being home when he should
4 have been?

5 A Yes.

6 Q He was supposed to be home by
7 reason of becoming sick, or job injured?

8 A I don't know.

9 MR. LOVETT: Thank you, I have
10 nothing further.

11 MR. O'REILLY: Mr. O'Neil?

12 RE REDIRECT BY MR. O'NEIL:

13 Q You said, Lieutenant Satriale, you
14 didn't know whether the Chief told you to keep an
15 eye on or check on Officer Kempkes, but do you know
16 whether or not it was after Department's Exhibit 9
17 was posted?

18 A Yes.

19 MR. O'NEIL: I have no further
20 questions.

21 RE RECROSS EXAMINATION BY MR. LOVETT:

22 Q You were just asked whether you
23 know if it was after Exhibit 9 was posted and you
24 said you knew. What's the answer? Was it before
25 or after?

Proceedings

262

1 A It was after.

2 MR. LOVETT: Thank you. I'm sure
3 Counsel would appreciate that
4 clarification. Thank you very much.

5 MAYOR MARVIN: All right, thank you.

6 MR. O'REILLY: Any further
7 questions?

8 MR. O'NEIL: I have no further
9 questions.

10 MR. O'REILLY: Does the Board want
11 to caucus?

12 MAYOR MARVIN: Board, do you have
13 any questions for the Lieutenant, at this
14 time?

15 MR. UNDERHILL: I have none.

16 MR. BARTON: I think I do. Let's
17 refer for a second to Exhibit 3A again.
18 You see where it says under Purpose to
19 Establishing Form of Procedures for
20 Reporting Sick, and follow-up on actions
21 when members become sick or injured, but
22 there are only references here to sick. I
23 believe I read the whole thing, but every
24 bold topic says sick. Nothing says
25 injured, per se, but I guess what you are

1 saying is that these are substitutable
2 words?

3 MR. O'NEIL: I'm going to object to
4 the question. I know that this is unusual,
5 but you are saying that the document
6 doesn't make reference to injured, and
7 that is not accurate.

8 MR. LOVETT: He didn't say that.
9 Don't distort what a Board Member is
10 saying. You can distort what I'm saying,
11 but not the Board.

12 MR. BARTON: No, I'm listening to
13 you.

14 MR. O'NEIL: I do know that she
15 can't take down both of us. Maybe I
16 misunderstood your question. I thought you
17 said it didn't make reference to injured,
18 and there is a number of places in that
19 document that says and injured, or
20 injuries. If you want I can point them out
21 to you.

22 MR. BARTON: No, I see the word
23 injury used in the subsections of these
24 things, but in bold type when it says, for
25 instance procedure for reporting sick, and

1 then A, a member of the department
2 reporting sick, and then B, desk officer
3 receiving a sick report, etc., etc. None
4 of the bolds refer to injured, so I'm just
5 trying to ascertain whether or not sick
6 and injured for the purposes of following
7 the procedure are the same exact
8 treatment. They are substitutable words I
9 guess is what I'm asking? Are they? Are
10 sick and injured used one in the same when
11 it comes to call in procedures?

12 MR. O'NEIL: If you are asking me
13 the question --

14 MR. BARTON: No, I'm sorry, I'm
15 looking at you, but I'm asking the
16 Lieutenant.

17 LIEUTENANT SATRIALE: I wouldn't say
18 they are interchangeable. The purpose of
19 the policy is to govern how to call in
20 sick for single days, how to call in
21 injured, whether it be extended period of
22 time, or one day. I'm not calling in today
23 because I'm injured, and that is spelled
24 out in the purpose, and in the background
25 where it governs vacancies created by

1 illness or injured, and members early
2 returns to duty. So when you go to Section
3 A, the member of the department reporting
4 sick for a single day is to do this. Now
5 an extended injury, we don't require when
6 you are under a doctor's care and have a
7 doctor's note with a starting date and an
8 ending date, we don't require every day
9 that you are scheduled to work to call and
10 say I'm injured, but when you are out on
11 injury leave, clearly you have to comply
12 with this policy, because that's the
13 purpose of the policy.

14 MR. BARTON: Being that you don't
15 have to call in?

16 LIEUTENANT SATRIALE: You don't have
17 to call and say you are injured every day,
18 but you have to comply with everything
19 else in the policy.

20 MR. BARTON: Okay.

21 MAYOR MARVIN: Anymore questions,
22 Mr. Barton?

23 MR. BARTON: No.

24 MR. LOVETT: I have a couple of
25 follow-up questions if no other Board

1 Members have any.

2 MR. O'REILLY: Well, let's find out
3 if the Board has any.

4 MR. LOVETT: I said if no other
5 Board Members have any.

6 MR. O'REILLY: No other questions?

7 All right, Mr. Lovett?

8 RE RE RECROSS EXAMINATION BY MR. LOVETT:

9 Q Do you know who drafted 3A in
10 evidence?

11 A No.

12 Q Do you think it was a mistake that
13 the policy is described in bold face at the top of
14 the first page as **Sick Leave Policies And**
15 **Procedures?**

16 A No.

17 Q Did anybody ever tell you that
18 embodies a typo, and somebody forgot to put in
19 disability, as well?

20 A No.

21 Q Where it says under policy, the
22 last sentence, "members on sick leave will comply
23 with all follow-up procedures outlined herein," do
24 you think that was a typo there, and it was
25 supposed to say disability leave?

Re Re Recross/ Satriale

267

1 A No.

2 Q Where it says, "abuse of sick leave
3 may result in disciplinary action," do you think
4 that is a typo there where it was intended to say
5 disability leave?

6 A No.

7 Q Then it says procedure for
8 reporting sick. Do you think there was an
9 inadvertent omission and it was supposed to say
10 disability, as well?

11 A No.

12 Q Where it says, "a member of the
13 department reporting sick is to," do you think
14 somebody inadvertently left out disability there?

15 A No.

16 Q Then on the next page where it says
17 at the top, "sick leave policies and employee
18 procedures continued," do you think that was a typo
19 or an inadvertent omission?

20 A No.

21 Q Under B where it says --

22 MR. O'NEIL: I'm going to object.

23 MR. LOVETT: Good.

24 Q -- the desk officer receiving a
25 sick report --

Re Re Recross/ Satriale

268

1 MR. O'NEIL: Excuse me, but I have
2 an objection.

3 MR. LOVETT: Don't you remember what
4 Mr. Riley said? Wait until the question
5 is asked, and then make your objection.

6 MR. O'NEIL: I stopped.

7 MR. LOVETT: Otherwise you will
8 throw me off track and completely confuse
9 me.

10 Q Do you see under B, "desk sergeant
11 receiving a sick report shall," do you think there
12 was an inadvertent omission to include disability
13 report?

14 MR. O'NEIL: I object. I think he
15 already answered a question whether he
16 thought there was any typographical errors
17 or mistakes as to the document.

18 MR. LOVETT: No, we haven't gotten
19 to these, B, C and D.

20 MR. O'NEIL: He answered as to the
21 whole document. He said he didn't think
22 there were any errors or mistakes as to
23 the document, so that includes every
24 subsection of the document.

25 MR. LOVETT: No, I would like the

Re Re Recross/ Satriale

269

1 record to be complete.

2 MR. O'NEIL: I'm entitled to finish
3 speaking now, Mr. Lovett.

4 MR. LOVETT: Well, I was talking
5 when you interrupted me, so good, we can
6 both talk at the same time and then we'll
7 see what the record looks like.

8 MAYOR MARVIN: I'm prepared to
9 overrule the objection.

10 (Whereupon the Board was polled.)

11 MAYOR MARVIN: Objection overruled.

12 Q So with respect to the desk officer
13 receiving a sick report, do you think there was an
14 inadvertent omission as to include disability, or
15 disability status?

16 A No.

17 Q Take a look at B1 where it says
18 you've got to fill out a "sick leave report," do
19 you think that is an inadvertent omission regarding
20 disability or disability status?

21 A No.

22 Q And the second numbered item where
23 it says, "questions have to be asked by the member
24 reporting sick," do you think that is an
25 inadvertent omission with respect to the term

Re Re Recross/ Satriale

270

1 injured?

2 A No.

3 Q How about 6 where it says, "when
4 receiving notification from a member on sick leave
5 that he/she is leaving, etc.," do you think that
6 was an inadvertent omission and a failure through
7 perhaps negligence to include the word disabled or
8 disability?

9 A No.

10 Q Take a look at C where it says,
11 "supervisor on duty when sick report is received,"
12 do you think whoever drafted that inadvertently
13 failed to include the word injured?

14 A No.

15 Q And under C3 where it says that the
16 supervisor on duty shall "file the sick leave
17 report," do you think that's a typo and it should
18 have said job injury report?

19 A No.

20 Q Okay, take a look at the next item,
21 "supervisor for tour of duty in which officer has
22 reported sick shall note," do you think it was
23 inadvertent in nature and that there should have
24 been the word job injured?

25 A No.

Re Re Recross/ Satriale

271

1 Q Then under D1, "complete section of
2 the BVPD planning sick leave report," do you think
3 that should have said job injured report?

4 A No.

5 Q And then the next item it says,
6 "procedure when returning from sick leave," do you
7 think that's a typo, too, and somebody
8 inadvertently forgot to put in job injured status?

9 A No.

10 Q And under A, "a member's return to
11 duty from sick leave shall," do you think that's
12 another inadvertent omission and somebody should
13 have scribbled or put in disability status?

14 A No.

15 Q Under A1 where it makes reference
16 to filling out a sick leave report, do you think
17 that should have been properly referenced to
18 disability report?

19 A No.

20 Q And under A2 it says return to
21 complete sick leave report. Is there a sick leave
22 report?

23 A Yes.

24 Q Is there a job injured report?

25 A No.

Re Re Recross/Re Re Redirect - Satriale

272

1 Q So it's your sworn testimony that
2 each of the procedures I just referenced apply with
3 equal force to someone who is out sick, and/or job
4 injured, right?

5 A Sick or injured, regardless of job
6 or not.

7 Q All of the procedures I reviewed
8 with you make no reference to injured status?

9 A Yes.

10 Q And even though my client never
11 called in sick or injured on July 6 '06?

12 A Yes.

13 MR. LOVETT: Thank you.

14 MR. O'REILLY: Mr. O'Neil, do you
15 have any questions?

16 MR. O'NEIL: Yes.

17 RE RE REDIRECT EXAMINATION BY MR. O'NEIL:

18 MR. O'NEIL: Can I ask that the
19 witness be shown Department's Exhibit 15?

20 A I've got it.

21 Q What's the title of that document?

22 A Bronxville Police Department Sick
23 Leave Report.

24 Q Who is that sick leave report used
25 for, Lieutenant Satriale?

Re Re Redirect - Satriale

273

1 A This is to document an officer
2 calling the desk and reporting sick or injured, and
3 not coming to work.

4 Q And, in fact, this report was used
5 by Officer Kempkes to report all his injuries?

6 A Yes.

7 Q And absences related to those
8 injuries?

9 MR. LOVETT: Objection, leading.

10 (Whereupon the Board was polled.)

11 MAYOR MARVIN: Objection overruled.

12 A Yes.

13 Q During the period you have been on
14 the job in Bronxville, was there ever a separate
15 report utilized for on the job injuries?

16 A No.

17 Q For the same period of time was
18 there ever a separate report used for Workers'
19 Comp. absences?

20 A No.

21 MR. O'NEIL: I have no further
22 questions.

23 RE RE RE RECROSS EXAMINATION BY MR. LOVETT:

24 Q Lieutenant, taking a look at those
25 sick leave reports on the dates that those reports

Re Re Re Recross - Satriale

274

1 bare my client's job status was sick, he was out on
2 sick leave, wasn't he?

3 A No.

4 Q Well, don't you remember in August
5 of '06 the Chief wrote a memo cancelling his sick
6 status and retroactively giving him 207C job injury
7 status?

8 MR. O'NEIL: Objection. Are you
9 referring to a document that is in
10 evidence?

11 MR. LOVETT: No, I'm not. So what?

12 MR. O'NEIL: So what is --

13 MR. LOVETT: The question is if he
14 remembers.

15 Q Don't you remember that after the
16 charges at issue were filed the Chief wrote my
17 client a memo, which you saw, saying that he
18 changed retroactive 202, his status, and gave him
19 207C job injured status?

20 A Yes.

21 Q And didn't you know that up until
22 the point in time the Chief authored that memo my
23 client was on sick status, not job injured status?

24 A No. He was on injured status.
25 There is a difference.

Re Re Re Recross - Satriale

275

1 Q Injured status meaning 207C?

2 A Meaning if I fall down --

3 Q Injured status meaning 207C?

4 A No. There is a difference. If I
5 fall down while walking out of here and get injured
6 I'm calling in that I'm injured. If I get injured
7 on the job and I'm out for a week, I'm injured. It
8 doesn't mean I'm on 207C.

9 Q You are not sick?

10 A I'm not sick. I'm injured on the
11 job. There is a difference between that and 207C.

12 Q So you think then that whoever
13 drafted A3 in evidence didn't know the difference
14 between sick leave as it is repeatedly used in at
15 that document, as opposed to job injury?

16 A No.

17 MR. LOVETT: Thank you.

18 MR. O'NEIL: Can I have the last
19 question and answer read back?

20 (Whereupon, the testimony was read
21 back by the reporter.)

22 MR. O'NEIL: I have no further
23 questions.

24 MR. LOVETT: I have a couple of
25 follow-up.

Direct - Mitchell

276

1 MR. O'NEIL: Follow-up questions to
2 what, rereading the question?

3 MR. KURTZ: He's joking.

4 MR. O'REILLY: Thank you, Lieutenant
5 Satriale.

6 MR. SATRIALE: Thank you.

7 MR. O'REILLY: Can we go off the
8 record a minute?

9 (Whereupon, an off the record
10 discussion took place.)

11 (Whereupon, a short recess was
12 taken by all parties.)

13 S E R G E A N T E U G E N E M I T C H E L L,
14 the Witness herein, after having been first duly
15 sworn by Melissa Sasso, a Notary Public of the
16 State of New York, was examined and testified as
17 follows:

18 DIRECT EXAMINATION BY MR. KURTZ:

19 MR. O'REILLY: State your name for
20 the record.

21 SERGEANT MITCHELL: Sergeant Eugene
22 Mitchell.

23 MR. O'REILLY: Thank you.

24 Q Good evening, Sergeant.

25 A Good evening.

Direct - Mitchell

277

1 Q Would you please state how long you
2 have been employed by the Bronxville Police
3 Department?

4 A About 25-and-a-half years.

5 Q What were your ranks?

6 A I was a patrolman until 1991, and I
7 have been a Sergeant since August of 1991.

8 Q As a Sergeant what are your duties?

9 A Tour supervision of my men.

10 Q Were you scheduled to work on
11 July 6, 2006?

12 A Yes, I was.

13 Q What shift were you scheduled?

14 A A day tour.

15 Q A day tour which encompasses what
16 time?

17 A Basically 6:30 to 2:30.

18 Q Did you work that shift?

19 A Yes, I did.

20 Q During the course of that shift on
21 July 6th, do you recall Lieutenant Satriale giving
22 you any orders with respect to Officer Kempkes?

23 MR. LOVETT: Objection, leading.

24 MAYOR MARVIN: Could you rephrase
25 that?

Direct - Mitchell

278

1 MR. KURTZ: Sure.

2 Q On July 6, 2006 did you receive any
3 orders from Lieutenant Satriale?

4 A Yes, I did. About 10:50 in the
5 morning Lieutenant Satriale told me to call Officer
6 Kempkes at his residence to tell him to respond to
7 headquarters to check his e-mail and to pickup some
8 pay stubs in his mail slot.

9 Q Did you follow that order?

10 A Yes, I did.

11 Q Did you call Officer Kempkes?

12 A I called him and I received his
13 answering machine, and I left a message on the
14 machine.

15 Q Where did you call Officer Kempkes?

16 A At his residence.

17 Q Where did you get the phone number
18 for that?

19 A From department records.

20 Q And what, generally, if you recall,
21 did you say on the message?

22 A I don't remember the exact
23 conversation, but something about come to
24 headquarters to check your e-mail and clean out
25 your mail slot. Call me when you get in, I

Direct - Mitchell

279

1 believe. I'm not quite sure of that.

2 Q Did you contact Lieutenant Satriale
3 after?

4 A Lieutenant Satriale had asked me to
5 let him know what the outcome of my phone call was,
6 and at such time I told him I received the
7 answering machine.

8 Q Did Lieutenant Satriale give you
9 any further orders?

10 A At that time Lieutenant Satriale
11 left the temporary police headquarters and
12 contacted me again and told me to call Officer
13 Kempkes again at his residence and tell him to
14 respond to his front door. At that time I received
15 the answering machine a second time and I left a
16 message a second time.

17 Q About how long a period of time was
18 there between the first order from Lieutenant
19 Satriale and the second order to call?

20 A Approximately, half an hour.

21 Q After you left the second message
22 for Officer Kempkes did you contact Lieutenant
23 Satriale?

24 A I advised Lieutenant Satriale, at
25 that time, that there was no answer, again.

Direct - Mitchell

280

1 Q Did you see Officer Kempkes at any
2 point during the course of your shift on July 6th?

3 A Yes, at one point Officer Kempkes
4 did show up at headquarters.

5 Q Did you advise him to do anything
6 upon that appointment at headquarters?

7 A I advised him to wait for
8 Lieutenant Satriale. Lieutenant Satriale told me
9 if Officer Kempkes showed up for him to wait so
10 they could have a meeting, a conversation, or
11 whatever you want to call it.

12 Q Did Officer Kempkes wait?

13 A Yes, he did.

14 Q Did Lieutenant Satriale return?

15 A Yes, he did.

16 Q And did they have a meeting?

17 A Yes, they did.

18 Q Did Lieutenant Satriale give you
19 any further orders with respect to your phone calls
20 to Officer Kempkes?

21 A Aside from composing an e-mail or
22 what we call a mailbox, no, that was it as far as
23 Lieutenant Satriale's concerned.

24 Q So he ordered you to compose a
25 mailbox, or e-mail?

Direct - Mitchell

281

1 A That's correct.

2 Q When did he order you to do this?

3 A I believe it was after the second
4 phone call. Some time after that.

5 Q Was it the same day?

6 A Yes, it was the same day.

7 Q So it was July 6, 2006?

8 A Yeah, it was approximately, I
9 believe I composed the mailbox within 45 minutes of
10 the second phone call.

11 Q Okay, and would the e-mail or the
12 mailbox reflect the time it was composed?

13 A Yes, it would.

14 MR. KURTZ: I'm going to ask that
15 the witness be shown Department's Exhibit
16 13.

17 (Whereupon, a document was handed
18 to the witness.)

19 Q Sergeant Mitchell, would you take a
20 moment to review Exhibit 13, please, and can you
21 identify Department's Exhibit 13?

22 (Whereupon, the witness peruses a
23 document.)

24 A Yes, this was the mailbox I
25 composed and sent to Lieutenant Satriale, which I

Direct/Cross - Mitchell

282

1 actually signed at 1:55 a.m., on that date.

2 Q On July 6, 2006?

3 A That's correct.

4 MR. KURTZ: Thank you. That's it, at
5 this time.

6 MR. O'REILLY: Mr. Lovett?

7 MR. LOVETT: Yes.

8 CROSS EXAMINATION BY MR. LOVETT:

9 Q Before you made any phone call to
10 Officer Kempkes on July 6 '06 did you have any
11 occasion to be in the presence of Lieutenant
12 Satriale in headquarters?

13 A Yes.

14 Q What was he doing when you were in
15 his presence?

16 A I have no idea.

17 Q Did you have occasion on that date,
18 before you were directed to make a call to my
19 client to look at my client's mailbox?

20 A Not particularly, no.

21 Q Pardon me?

22 A Not particularly, no.

23 Q Not particularly meaning what, you
24 did or you didn't?

25 A Not that I recall, no.

Cross - Mitchell

283

1 Q Prior to July 6th did you look at
2 my client's mailbox?

3 A No.

4 Q What was it Satriale told you to
5 tell my client with respect to his mailbox?

6 A To come to headquarters to clean
7 out his mailbox, and to check his e-mails.

8 Q Do you have any factual basis for
9 telling this Board that there was anything in my
10 client's mailbox at the time that order was issued
11 to you?

12 A No.

13 Q Do you know if my client cleaned
14 out his mailbox, as directed?

15 A I believe he did.

16 Q I'm not asking for your belief. I
17 want to know the factual basis for it.

18 A I don't know.

19 Q Do you know if my client had any
20 e-mails as of the time he got the directive to have
21 him come in and listen to his e-mails?

22 A I don't know.

23 Q Do you know if he listened to his
24 e-mails, or downloaded them?

25 A I don't know.

Cross - Mitchell

284

1 MR. LOVETT: Withdrawn. I don't
2 think you can hear your e-mails.

3 MR. O'REILLY: Yes, you can. You can
4 listen to them.

5 Q Do you know if he accessed his
6 e-mails at headquarters?

7 A Yes, he did have access to his
8 e-mails at headquarters.

9 Q You saw him do that?

10 A No, I didn't see him do that.

11 Q So what is your factual basis for
12 swearing that he did it?

13 A I didn't swear that he did.

14 MR. BARTON: He didn't say that.

15 MAYOR MARVIN: Yes, he didn't
16 testify to that.

17 Q Well, you are under oath, aren't
18 you?

19 MR. O'NEIL: He never said that.

20 MR. LOVETT: Excuse me, you don't
21 have a standing objection.

22 MR. O'NEIL: Well, there is an
23 objection, because he didn't understand
24 the question that was asked.

25 MR. LOVETT: He didn't understand

Cross - Mitchell

285

1 the question, hint, hint.

2 Q Is it truly that you didn't
3 understand the question, Sergeant, now that you've
4 been told that by your lawyer?

5 A Re ask your question and I'll tell
6 you whether I understood it or not.

7 MR. LOVETT: Okay, can you read the
8 question back, please?

9 (Whereupon, the last question was
10 read back by the reporter.)

11 A I don't know. That is my answer.

12 Q Have you ever been out injured or
13 sick and someone has checked on your whereabouts?

14 A Yes, I have.

15 Q When did that occur?

16 A I couldn't tell you.

17 Q Is there anything that would jog
18 your memory?

19 A No.

20 Q It wasn't 2005?

21 A That somebody checked on me, no.

22 Q Who checked on you?

23 A Detective Sergeant Brian Downey
24 under previous administration.

25 Q Do you know why he checked on you?

Cross - Mitchell

286

1 A I was out sick.

2 Q Do you know why he checked on you?

3 A No, I do not.

4 Q As a result of him checking on you
5 did you have any disciplinary action, command or
6 otherwise?

7 A No.

8 Q Were you at home when he checked on
9 you?

10 A No.

11 Q Were you supposed to be at home
12 when he checked on you?

13 A At that time, no.

14 Q Well, what was that time?

15 A I have no idea. It was previous
16 administration.

17 Q Well --

18 A It was prior to our sick leave
19 policy.

20 MR. LOVETT: Could the witness be
21 given Exhibit 3A in evidence, please?

22 (Whereupon, a document was handed
23 to the witness.)

24 Q Have you ever seen 3A before?

25 A Yes, I have.

Cross - Mitchell

287

1 Q Do you know if that was in effect
2 on the occasion when you were checked at home by --

3 A No, it was not.

4 Q So what year was it then that you
5 were checked on?

6 A It was prior to 1/1/95.

7 Q Did Detective Sergeant Downey tell
8 you why he was checking on you?

9 A No, he did not.

10 Q In the last 10 years have you ever
11 been out sick?

12 A Yes, I have.

13 Q Has anybody checked on your
14 whereabouts during that time?

15 A No, they have not.

16 Q Have you ever been out job injured?

17 A Yes, I have.

18 Q And on those occasions has anybody
19 in the department, to your knowledge, checked on
20 your whereabouts?

21 A No, they have not.

22 Q Was there any policy in the police
23 department governing whether a sick or injured
24 officer had to remain in their home on the occasion
25 when you were checked on?

Cross/Proceedings - Mitchell

288

1 A When I was checked on?

2 Q Yes.

3 A Not that I remember.

4 Q Approximately how many years after
5 you were the subject of a check at home did 3A come
6 into effect?

7 A Probably within six months.

8 Q Did anybody in words or substance
9 ever tell you that by reason of your not being at
10 home when you were checked on by Downey that you
11 were in violation of any department rule or
12 procedure?

13 A No, I wasn't.

14 Q Pardon me?

15 A No, I wasn't.

16 MR. LOVETT: Thank you very much. I
17 have nothing further.

18 MR. O'REILLY: Mr. Kurtz?

19 MR. KURTZ: Nothing further.

20 MR. O'REILLY: Members of the Board?

21 MR. BARTON: I have one. I meant to
22 ask Lieutenant Satriale, but I think I can
23 ask you, also. When you made reference
24 that every Thursday they put a pay stub or
25 a paycheck in people's mailboxes, do you

1 all use direct deposit in the police
2 department?

3 SERGEANT MITCHELL: Not everybody.
4 A majority do.

5 MR. BARTON: So it's a stub rather
6 than a physical check that gets put in the
7 mailbox?

8 SERGEANT MITCHELL: Well, some
9 people, I believe two or three people by
10 virtue of talking to people still receive
11 actual checks. Other people receive the
12 stubs.

13 MR. BARTON: Okay, thank you.

14 MAYOR MARVIN: Okay, any other
15 questions?

16 MR. UNDERHILL: No.

17 MAYOR MARVIN: Thank you very much.

18 MR. LOVETT: I have one more based
19 on that last question.

20 MAYOR MARVIN: I'm sorry.

21 RECROSS EXAMINATION BY MR. LOVETT:

22 Q Do you know whether Officer Kempkes
23 receives his pay by direct deposit?

24 A I don't know.

25 MR. LOVETT: Thank you.

Direct - Downey

290

1 MR. O'REILLY: Thank you, Sergeant.

2 SERGEANT MITCHELL: Thank you.

3 MR. O'REILLY: Off the record,
4 please.

5 (Whereupon, an off the record
6 discussion took place.)

7 C H I E F B R I A N M I C H A E L D O W N E Y,
8 the Witness herein, after having been first duly
9 sworn by Melissa Sasso, a Notary Public of the
10 State of New York, was examined and testified as
11 follows:

12 DIRECT EXAMINATION BY MR. O'NEIL:

13 MR. O'REILLY: Please state your
14 name for record.

15 CHIEF DOWNEY: Brian Michael Downey.

16 Q Okay, Chief, by whom are you
17 employed?

18 A Village of Bronxville Police
19 Department.

20 Q In what capacity?

21 A Chief of Police.

22 Q How long have you held that
23 position?

24 A Since September of 2000.

25 Q And prior to that can you tell us

Direct - Downey

291

1 what positions you held, if any, in the Bronxville
2 Police Department, and for what period of time?

3 A From May 9, 1986 to June 19, 1988 I
4 was a patrolman; from June 1988 to October 1992 I
5 was a Detective; from October 1992 to August 1998 I
6 was a Detective Sergeant; and in August 1998 to
7 September 2000 I was a Lieutenant.

8 MR. O'NEIL: Could I ask that the
9 witness be shown Department's Exhibit 3A
10 and 3B, which are in evidence?

11 (Whereupon, documents were handed
12 to the witness.)

13 Q Chief, I'm going to ask you to look
14 at Exhibit 3B and ask you whether you see your name
15 on that document?

16 A Yes, I do.

17 Q Is your signature also on there?

18 A Yes, it is.

19 Q And is there a date next to your
20 signature?

21 A Yes, there is.

22 Q Who entered the date?

23 A I did.

24 Q Can you tell us what date you
25 entered that?

Direct - Downey

292

1 A March 10, 1999.

2 Q And I'm going to ask you to look at
3 Exhibit 3A, which is in evidence.

4 A Yes.

5 Q Do you see the revision date on
6 that document?

7 A Yes, I do.

8 Q What is the date on that?

9 A 3/11 1999.

10 Q Can you tell us how you came to
11 know to sign for that document on March the 10th of
12 1999?

13 A Yes. I was a Lieutenant at that
14 time and I worked the 3:00 p.m. to 11:00 p.m.
15 shift, and Chief Divernieri asked me to distribute
16 the sick leave policies and procedures prior to me
17 leaving that evening, which I did, and I signed for
18 them, at that time.

19 MR. O'NEIL: I'm going to ask that
20 this document be marked for identification
21 as Department's Exhibit 16.

22 (Whereupon, a document was received
23 and marked as Department's Exhibit 16, for
24 identification, as of this date.)

25 Q Chief, I'm going to ask you to look

Direct - Downey

293

1 at a document that has been marked for
2 identification as Department's Exhibit 16 and ask
3 you whether you recognize that document?

4 A Yes, I do.

5 Q Tell us what it is.

6 A Yes, it's the police department
7 roll call for Wednesday, March 10, 1999, Tour 3.

8 Q Can you tell us the hours of Tour 3
9 on March the 10th of 1999?

10 A The tour is designated 4:00 to
11 12:00. Certain officers work different hours
12 during that tour, though.

13 Q Does that document indicate that
14 Officer Kempkes worked that tour, as well?

15 A Yes.

16 MR. LOVETT: Objection. It is not in
17 evidence.

18 MR. O'NEIL: I would like to move
19 that that be received in evidence.

20 MR. O'REILLY: Mr. Lovett?

21 MR. LOVETT: I have no objection,

22 MAYOR MARVIN: All right, received
23 in evidence.

24 (Whereupon, Department's Exhibit
25 16, previously marked for identification

Direct- Downey/Direct Gallo

294

1 was received in evidence.)

2 Q The document that is in evidence as
3 Department's 3A, have there been any other sick
4 leave policy and procedures issued in the
5 department since that date of March 11, 1999?

6 A No, there haven't.

7 MR. O'NEIL: I have no further
8 questions of this witness.

9 MR. O'REILLY: Mr. Lovett?

10 MR. LOVETT: I have no cross, but
11 I'm going to recall the Chief on our
12 direct case.

13 MAYOR MARVIN: Okay.

14 MR. O'REILLY: Any Board questions?

15 MAYOR MARVIN: Any Board questions
16 for the Chief? No? Thank you, Chief.

17 CHIEF DOWNEY: Thank you.

18 MR. O'REILLY: Off the record,
19 please.

20 (Whereupon, an off the record
21 discussion took place.)

22 D E T E C T I V E S T E P H E N G A L L O, the
23 Witness herein, after having been first duly sworn
24 by Melissa Sasso, a Notary Public of the State of
25 New York, was examined and testified as follows:

Direct Gallo

295

1 DIRECT EXAMINATION BY MR. KURTZ:

2 MR. O'REILLY: State your name for
3 the record, please.

4 DETECTIVE GALLO: Detective Steven
5 Gallo, Shield number 21.

6 Q Detective Gallo, by whom are you
7 currently employed?

8 A Village of Bronxville Police
9 Department.

10 Q How long have you been employed by
11 the Village of Bronxville P.D?

12 A 11 years.

13 Q What have been your ranks
14 throughout?

15 A I've been a police officer for 11
16 years, and for the last four-and-a-half years I've
17 been assigned to the Detective Division.

18 Q As a Detective assigned to the
19 Detective Division, what are your duties?

20 A Mostly follow-up investigations,
21 community outreach, things like that.

22 Q Were you scheduled to work on
23 July 6, 2006?

24 A Yes, I was.

25 Q What shift were you scheduled to

Direct Gallo

296

1 work that day?

2 A The day tour shift, which is 8:00
3 a.m. to 4:00 p.m.

4 Q Did you work that day?

5 A Yes, I did.

6 Q During the course of your shift on
7 that day, July 6 '06, do you recall receiving any
8 orders from Lieutenant Satriale?

9 A Yes, I do.

10 Q What were those orders?

11 A At approximately 11:50 a.m. I
12 received a telephone call from Lieutenant Satriale
13 on the departmental cell phones and he directed me
14 to attempt cellular telephone contact with Officer
15 Kempkes.

16 Q So he contacted you and told you to
17 contact Officer Kempkes on the cell phone?

18 A Yes.

19 Q Did you follow that order?

20 A I did.

21 Q What happened when you contacted
22 Officer Kempkes?

23 A Approximately two or three minutes
24 later I attempted that phone call and met with a
25 voicemail message prompting the caller to leave a

Direct Gallo

297

1 message, and the voice on that phone was Tom saying
2 please leave a message.

3 Q Did you recognize the voice?

4 A I did.

5 Q Whose voice did you recognize?

6 A I believe it was Officer Kempkes.

7 Q Did you leave a message for him?

8 A Yes, I did.

9 Q What was the content of the
10 message, per the direction of Lieutenant Satriale?

11 A I stated to Kempkes on the
12 telephone that he should call the department when
13 he received my message.

14 Q After you finished leaving this
15 message what did you do next, if anything?

16 A I called the Lieutenant and told
17 him what I had done, and waited for further
18 instructions.

19 Q Did you ever receive any further
20 instructions from the Lieutenant?

21 A Yes, I did.

22 Q What were the instructions?

23 A At approximately 12:25 p.m. the
24 Lieutenant directed me to relieve him on a
25 stationary post at the address of Officer Kempkes.

Direct Gallo

298

1 Q And where was that address?

2 MR. LOVETT: Objection to that.

3 Q Is that address located in
4 Eastchester?

5 MR. LOVETT: Can we make sure that
6 the stenographer is not recording the
7 specific address?

8 MR. O'REILLY: I'll instruct the
9 stenographer after the questioning about
10 the use of the number.

11 MR. LOVETT: Okay.

12 Q Is that address located in
13 Eastchester?

14 A Yes, it is.

15 Q And did you go and relive
16 Lieutenant Satriale at that address?

17 A Yes, I did.

18 Q How long in time elapsed between
19 when you received the order from Lieutenant
20 Satriale to when you arrived to relieve him?

21 A I would say no more than five
22 minutes.

23 Q How did you get to the address?

24 A I drove to the address in an
25 unmarked police car.

Direct Gallo

299

1 Q What, if anything, did you do when
2 you got there?

3 A I pulled into the driveway and I
4 briefly met with Lieutenant Satriale.

5 Q When you met with Lieutenant
6 Satriale did he tell you anything? Did he give you
7 any orders?

8 A He told me to remain at the address
9 until which time Officer Kempkes arrived.

10 Q What, if anything, did Lieutenant
11 Satriale do next?

12 A He made one more attempt, I believe
13 while I was there. He walked to the front door,
14 knocked and rang the bell, and instructed me that
15 he had found no one home, and I was to remain there
16 until further instructions.

17 Q This was Officer Kempkes'
18 particular door at his address?

19 A Yes.

20 Q And did there come a point in time
21 then when Lieutenant Satriale left the location?

22 A Yes, after making another attempt
23 to see if anyone was home he did leave, and then I
24 was at the address myself.

25 Q What, if anything, did you

Direct Gallo

300

1 understand that you were to do while waiting at
2 that address?

3 A I was to remain there until which
4 time Officer Kempkes returned home.

5 Q Did you ever see Officer Kempkes
6 return home?

7 A Yes, I did.

8 Q Approximately how much later?

9 A It was, approximately, a half hour
10 later. I was positioned in his driveway facing out
11 towards California Road and Officer Kempkes pulled
12 into his driveway.

13 Q Did you see, personally see Officer
14 Kempkes driving in his car?

15 A Yes, I did.

16 Q Did you recognize or write down any
17 details about the car?

18 A I know I noted the license plate of
19 the car, and what type of car it was.

20 Q What type of car was it?

21 A It was a late model Audi, dark
22 color Audi.

23 Q After you saw Officer Kempkes
24 return home, what, if anything, did you do?

25 A Again, per the instructions of

Direct Gallo

301

1 Lieutenant Satriale, I exited my vehicle and I
2 engaged very briefly in conversation with Officer
3 Kempkes and asked him of his whereabouts that day.

4 Q What did Officer Kempkes tell you?

5 A He told me that he had been to drop
6 off his car for service and to get a slice of pizza
7 in Chester Heights.

8 Q Did you ever ask Officer Kempkes
9 about the cell phone call that you placed to him?

10 MR. LOVETT: Objection, leading.

11 MAYOR MARVIN: Can you just rephrase
12 your question, please?

13 Q What, if anything, did Officer
14 Kempkes say to you about the telephone call?

15 MR. LOVETT: Objection, leading.

16 MAYOR MARVIN: I'm going to overrule
17 that objection. You can answer, please.

18 A I had asked him if he had received
19 my message, and he told me that he had not.

20 Q Did he volunteer any other
21 information to you during this conversation?

22 MR. LOVETT: Objection. There is no
23 testimony that he volunteered anything.

24 The form is improper.

25 MAYOR MARVIN: Yes, I think you need

Direct Gallo

302

1 to rephrase your question.

2 Q Did you ask Officer Kempkes
3 anything else during your conversation with him?

4 A I asked him why he hadn't been home
5 again, and, again, that was per the instructions of
6 the Lieutenant, and he told me he didn't need to be
7 home, he was out on compensation, and not out sick.

8 Q Did he elaborate at all on
9 compensation?

10 A No.

11 Q Was there anything else that was
12 obtained during the course of this conversation
13 between yourself and Officer Kempkes?

14 A He was just, again, prompting his
15 question as to why are you here, and I told him
16 that I needed to be here per the Lieutenant's
17 orders.

18 Q That was the end of the
19 conversation?

20 A Yes.

21 Q What did you do after the end of
22 the conversation?

23 A I entered my vehicle and drove back
24 to the police department and reported to Lieutenant
25 Satriale.

Direct Gallo

303

1 Q When you reported back to
2 Lieutenant Satriale, what did you do next?

3 A The Lieutenant instructed me that
4 he and I would be traveling to the car dealership
5 where Officer Kempkes said he had dropped his car.

6 Q Did you go with Lieutenant Satriale
7 to that car dealership?

8 A Yes, I did.

9 Q Where was that dealership?

10 A It's in the City of Mount Vernon on
11 MacQuesten Parkway, I believe.

12 Q What dealership is it?

13 A It's an Audi dealership, and I
14 don't recall the name.

15 Q How long after you reported back to
16 the department did you leave with Lieutenant
17 Satriale to go to the Audi Dealership?

18 A Very shortly. A few minutes.

19 Q What happened when you arrived at
20 the Audi Dealership?

21 A The Lieutenant asked to see a
22 manager, and he briefly spoke with the manager.

23 Q Did you or Lieutenant Satriale
24 receive any documents from the manager?

25 A The Lieutenant did. I did not.

Direct Gallo

304

1 Q How long would you say, in total,
2 that you were at that dealership?

3 A I would say about five minutes.

4 Q When you left where did you go
5 next?

6 A Back to the department.

7 Q And you came straight back to the
8 department?

9 A Yes.

10 Q When you returned back to the
11 department were you ordered to do anything else
12 with respect to Officer Kempkes that day?

13 A Yes, I was.

14 Q What was that?

15 A The Lieutenant had opened a case in
16 our computer and he ordered me to fill out what we
17 call a supplemental report in that case.

18 Q Did you fill out a supplemental
19 report?

20 A Yes, I did.

21 MR. O'NEIL: I would like to mark
22 this as Department's Exhibit 17.

23 (Whereupon, a document was received
24 and marked as Department's Exhibit 17, for
25 identification, as of this date.)

Direct Gallo

305

1 Q Detective, would you take moment to
2 review Department's Exhibit 17?

3 (Whereupon, the witness peruses a
4 document.)

5 Q Do you recognize the exhibit?

6 A Yes, I do.

7 Q What is it?

8 A This is my supplemental report that
9 I entered after the Lieutenant directed me to do
10 so.

11 Q And if you look on the top line it
12 notes 125: at the beginning. Can you identify what
13 125 is?

14 A That is my departmental
15 identification number, and when you sign onto the
16 computer it automatically adds that for you.

17 Q And following that a 07/06/2006.
18 Would that be the date?

19 MR. LOVETT: The document is not in
20 evidence. Counsel's reading it into the
21 record is impermissible.

22 MR. KURTZ: I would like to move
23 that the document be placed in evidence.

24 MR. LOVETT: I have no objection.

25 MAYOR MARVIN: The document is in

Direct Gallo

306

1 evidence.

2 (Whereupon, Department's Exhibit
3 17, previously marked for identification
4 was received in evidence.)

5 Q Detective, at the top line there it
6 says 07/06/2006. Does that reflect the date you
7 entered this supplemental report?

8 A Yes, it is.

9 Q And the numbers following it,
10 13:39, what would that be reflective of?

11 A That is the military time, 1:39
12 p.m.

13 Q At any point prior to July 6, 2006
14 were you ever ordered to visit Officer Kempkes'
15 home?

16 A Yes, I was.

17 Q Can you please describe the
18 circumstances in which you were ordered to do so?

19 A That occasion was in May of 2003,
20 and I was ordered by the Chief of Police to visit
21 the then address of Officer Kempkes, which was in
22 White Plains at the time.

23 Q And did you visit the address, the
24 White Plains address, at that time?

25 A Yes, I did.

Direct Gallo

307

1 Q What, if anything, did you observe
2 when you arrived there?

3 A It was approximately a quarter to
4 ten at night, 9:45 p.m., and I drove to the
5 address. The house was completely dark, and there
6 was a for sale sign on the lawn.

7 Q And when you were ordered to visit
8 the address, were you given any further orders with
9 respect to what you were to do when you arrived
10 there?

11 A Yes.

12 Q What were those?

13 A I was ordered to attempt telephone
14 contact with Officer Kempkes, and to personally see
15 if he was home.

16 Q And when you arrived at the White
17 Plains address did you attempt telephone contact?

18 A Yes, I did.

19 Q Were you able to reach Officer
20 Kempkes?

21 A I was.

22 Q Did a conversation take place after
23 that?

24 A Yes, it did.

25 Q Can you please describe the

Direct Gallo

308

1 contents of that conversation?

2 A I had told Officer Kempkes that I
3 was instructed to respond to his address and verify
4 that he was home, and he originally told me that he
5 was home, but was not able to come to the door.

6 Q So you were out in front of the
7 house at the point when he told you that he was
8 home?

9 A Yes, I was.

10 Q And did you ask him to verify that,
11 in any form?

12 A Yes, and he told me that he was
13 naked and had company, and could not come to the
14 door.

15 Q After he told you that did you
16 follow-up?

17 A I did. I told him that I needed to
18 physically see him, per the instructions of the
19 Chief.

20 Q How did Officer Kempkes respond to
21 that?

22 A He asked me if I was alone in the
23 car.

24 Q And what did you say?

25 A I said that I was.

Direct Gallo

309

1 Q What did Officer Kempkes say next?

2 A He then asked me to either tell
3 them that I could not reach him, or that he was
4 home.

5 Q And who did you understand Officer
6 Kempkes to mean by them?

7 A I'm sorry, could you repeat that?

8 Q Sure. Who did you understand them
9 to be?

10 MR. LOVETT: Objection. More meadow
11 muffin related issues here. This has
12 nothing to do, whatsoever, with the
13 charges at issue, and in fact has been
14 established already this evening. The
15 charges have nothing to do with any rule
16 violation.

17 MR. O'REILLY: Mr. Kurtz?

18 MR. O'NEIL: Yes, it's the same
19 thing we sort have been going through
20 before, and they opened the door to prior
21 disciplinary matters going back to 2003,
22 and this is a continuation of it.

23 MAYOR MARVIN: I'm prepared to
24 overrule that objection.

25 (Whereupon the Board was polled.)

Direct Gallo

310

1 MAYOR MARVIN: Objection overruled.

2 You can answer, Detective.

3 A Can you repeat the last question,
4 please.

5 MR. O'REILLY: The reporter will
6 read it back to you.

7 DETECTIVE GALLO: Okay.

8 (Whereupon, the last question was
9 read back by the reporter.)

10 A I understood them to mean the
11 department, police department, specifically meaning
12 the Chief and Lieutenant Satriale.

13 Q Could you please detail what, if
14 anything, was the rest of your conversation?

15 A Actually, if I could correct
16 something? I may have misspoke before. At the
17 time Lieutenant Satriale was Detective Sergeant
18 Satriale, just to clarify.

19 Q What was the rest of your
20 conversation with Officer Kempkes, at that point?

21 A I reiterated that I actually needed
22 to see him, and he told me again that he actually
23 was not home, and I said that was not a good enough
24 answer, and where was he. He just said that he
25 wasn't home, and if I had to burn him then go ahead

Direct Gallo

311

1 and burn him.

2 Q Did he say anything else to you in
3 that conversation?

4 A This was more specifically
5 regarding him not being home?

6 Q Yes, during the course of this
7 conversation.

8 A I told him, again, that he should
9 have been home and I was there to check,
10 specifically, if he was home, and he said, I don't
11 want to hear you moralize on the issue, just do
12 what you have to do.

13 Q And that was the end of the
14 conversation?

15 A Yes, it was.

16 Q After you completed the
17 conversation did you receive any further orders
18 from the Chief, or anybody else, with regard to
19 that conversation with Officer Kempkes?

20 A Yes, I was to report directly to
21 the Chief on my findings, and when I returned to
22 the department I was asked to leave an electronic
23 mailbox to the Detective Sergeant, at the time,
24 regarding my findings, also.

25 MR. KURTZ: I would like to mark for

Direct Gallo

312

1 identification Department's Exhibit 18.

2 (Whereupon, a document was received
3 and marked as Department's Exhibit 18, for
4 identification, as of this date.)

5 Q Detective, would you please take a
6 moment to review Department's Exhibit 18?

7 (Whereupon, the witness peruses a
8 document.)

9 A Yes.

10 Q Can you identify what has been
11 marked as Department's Exhibit 17?

12 A Yes, this is the electronic
13 mailbox.

14 MR. KURTZ: I'm sorry, excuse me,
15 for the record it is Department's Exhibit
16 18.

17 A This is the electronic mailbox that
18 I generated that same evening when I returned to
19 the department.

20 Q May 9, 2003 that was?

21 A Yes.

22 Q Subject to completing this mailbox,
23 did you ever receive any other orders then with
24 respect to your initial phone conversation with
25 Officer Kempkes, going to his home?

Direct Gallo

313

1 A Yes, I did.

2 Q What were those orders?

3 A This was rather kind of a brief
4 synopsis of the phone call on the following Monday.
5 This was Friday evening. On the following Monday
6 the Detective Sergeant asked me if I had any more
7 details regarding the phone call and my visit to
8 the house to give him a longer mailbox with those
9 details and to send that to his office.

10 Q Did you in fact give a longer
11 mailbox?

12 A Yes, I did.

13 MR. KURTZ: First I would just like
14 to make sure I move Department's Exhibit
15 18 into evidence.

16 MR. LOVETT: He didn't, and I object
17 to it. It is prejudicial. It goes to an
18 irrelevant series of events, but it is
19 consistent with the prosecution's theory
20 that they can convict now based on totally
21 inapposite prior command discipline. The
22 events referenced in 18 have nothing to do
23 with either the price of bananas or this
24 case, but I'm sure you are going to let it
25 in, anyhow.

Direct Gallo

314

1 MR. O'REILLY: Mr. Kurtz?

2 MR. O'NEIL: It's the same response
3 with regard to the prior incident of 2003,
4 and also it goes to what the Detective
5 just testified to.

6 MAYOR MARVIN: I'm prepared to
7 overrule that objection.

8 (Whereupon the Board was polled.)

9 MAYOR MARVIN: Objection overruled.
10 It will be in evidence.

11 (Whereupon, Department's Exhibit
12 18, previously marked for identification
13 was received in evidence.)

14 MR. O'NEIL: I would like to mark
15 this Department's Exhibit 19.

16 (Whereupon, an electronic mailbox
17 was received and marked as Department's
18 Exhibit 19, for identification, as of this
19 date.)

20 Q Detective, just take a moment to
21 review Department's Exhibit 19, please.

22 A Sure.

23 (Whereupon, the witness peruses a
24 document.)

25 Q Detective, after reviewing -- first

Direct Gallo

315

1 of all, Detective, can you please identify that
2 document?

3 A This is the second electronic
4 mailbox that I submitted to the Detective Sergeant
5 regarding the 2003 occasion. It was done the
6 following Monday.

7 Q That was prepared by you?

8 A Yes.

9 MR. KURTZ: I would like to move
10 that Department's Exhibit 19 be placed
11 into evidence.

12 MR. LOVETT: Another fruitless
13 objection which I'm sure you will
14 overrule.

15 MR. O'REILLY: That's an objection?

16 MR. LOVETT: Yes, it's an objection,
17 but I know it is a waste of time, because
18 the end result is preordained as the
19 overruling.

20 MR. O'REILLY: Mr. Kurtz?

21 MR. O'NEIL: There is not much there
22 to respond to. It's an objection without
23 any basis, but for the same reasons as
24 before.

25 MAYOR MARVIN: I'm prepared to

Direct Gallo

316

1 overrule the objection.

2 (Whereupon the Board was polled.)

3 MAYOR MARVIN: Objection overruled.

4 It will be placed in evidence.

5 (Whereupon, Department's Exhibit
6 19, previously marked for identification
7 was received in evidence.)

8 Q Detective, after taking a look at
9 Department's Exhibit 19, is there anything that
10 refreshes your recollection as to anything else
11 that occurred during that conversation between
12 yourself and Officer Kempkes?

13 MR. LOVETT: You didn't indicate
14 that his recollection needed refreshing,
15 so this is totally improper, and it's
16 leading.

17 MAYOR MARVIN: Yes, I'm prepared to
18 sustain that objection.

19 (Whereupon the Board was polled.)

20 MAYOR MARVIN: Objection sustained.

21 Q During the course of your testimony
22 here just tonight, did that contain everything that
23 occurred during the course of your conversation
24 with Officer Kempkes on May 9, 2003?

25 A I believe in sum and substance it

Direct Gallo

317

1 did.

2 Q Officer Kempkes, I'm just going to
3 point you through the course of the document in the
4 middle of this Department's Exhibit 19. About
5 halfway down there is a phrase that starts with,
6 okay, listen, I'm not really home. Can you just
7 review that section, that sentence, essentially,
8 and tell the Board if that is consistent with your
9 testimony here tonight?

10 (Whereupon, the witness peruses a
11 document.)

12 A Yes, it is.

13 MR. LOVETT: Excuse me, it's leading
14 to improper. It's in evidence. It speaks
15 for itself. Why are we wasting this time?
16 Oh, because I guess money doesn't matter
17 here.

18 MAYOR MARVIN: Objection sustained.

19 MR. KURTZ: Well, the document,
20 itself, is in evidence, and I think there
21 is something in here that is quoted, and I
22 want to make sure what is quoted in the
23 document is consistent with what
24 Detective Gallo mentioned later on
25 tonight.

Direct Gallo

318

1 MR. LOVETT: In other words, he
2 wants his witness to tailor his testimony
3 to square with a written document. The
4 document is in evidence. The witness has
5 already testified as to his recollection.
6 If there is a divergence that goes to
7 credibility, and because Counsel wants to
8 clean it up doesn't make it right to do.

9 MR. KURTZ: It would not be a
10 divergence, but I just want to clarify.

11 MAYOR MARVIN: Objection sustained.

12 MR. LOVETT: I withdraw my
13 objection. Why don't you tell him what you
14 want him to swear to Counsel, and I'm sure
15 he will accommodate, even though he is
16 under penalty of perjury.

17 MR. O'REILLY: There is no pending
18 question. I'm not sure what the comment of
19 that is.

20 MR. LOVETT: He wants him to say
21 something different, and he has not said
22 it yet. That is the objection.

23 MR. O'REILLY: Can we have a
24 question?

25 Q The material that is in quotes,

Direct/Cross - Gallo

319

1 "okay, listen, I'm not really home," the end of
2 that quote, did that occur during the course of
3 your conversation with Officer Kempkes on May 9,
4 2003?

5 A Yes, it did.

6 MR. KURTZ: Nothing further, at this
7 time.

8 MR. O'REILLY: Can we go off the
9 record a second?

10 (Whereupon, an off the record
11 discussion took place.)

12 MR. O'REILLY: Mr. Lovett?

13 CROSS EXAMINATION BY MR. LOVETT:

14 Q On July 6 '06 the first order that
15 Satriale gave you was what?

16 A He telephoned me and directed me to
17 attempt telephone contact with Officer Kempkes.

18 Q Did he tell you for what purpose?

19 A To verify whether or not he was
20 home. To see if he would answer the phone,
21 basically.

22 Q And whether he answered the phone
23 or not, that would tell you if he was or was not
24 home?

25 A Well, from the telephone number I

Cross - Gallo

320

1 got, I understood it was a cellular number, I
2 believe.

3 Q You believe, but you don't know for
4 a fact?

5 A I believe it was a cellular number.

6 Q What is the factual basis for your
7 belief?

8 A I believe that a home number was
9 tried by a Sergeant.

10 Q I'm not interested in what you
11 believe. What is the factual basis for your
12 belief?

13 A I was given a number by the
14 Lieutenant saying this is the cellular number we
15 have for Officer Kempkes, attempt it.

16 Q So Satriale gave you the cellular
17 number?

18 A I believe he did, yes.

19 Q I'm not asking for your belief.
20 Did he give you the number, yes or no?

21 A That is my recollection, sir.

22 Q Pardon me?

23 A That is my recollection.

24 Q Is your recollection accurate?

25 A I wouldn't be giving it to you if I

Cross - Gallo

321

1 didn't think it was accurate.

2 Q So, in fact, he gave you that
3 cellular number, right?

4 A I believe he may have.

5 Q He may have or he did?

6 A He may have.

7 Q But you're not sure?

8 A It may be listed in our computer.

9 He may have given me the number or said look in the
10 computer for Officer Kempkes.

11 Q I'm asking you what he said to you.
12 Don't you know?

13 A I don't remember how I got the
14 number.

15 Q Well, you said earlier that he gave
16 it to you.

17 A That is what I believe.

18 Q And now you're saying you don't
19 recall how you got the number?

20 A No, no, what I'm saying is I
21 believe he gave me the number.

22 Q And if he didn't, what was the
23 source?

24 A He may have said try the number in
25 the computer. Either way, that is how I got the

Cross - Gallo

322

1 number, through the computer, or through the
2 Lieutenant.

3 Q You testified earlier that you got
4 the number from Satriale.

5 A Right.

6 Q Was that true?

7 A To the best of my recollection it
8 is.

9 Q Was that true, yes or no?

10 A To the best of my recollection it
11 is.

12 Q Then why do you tell us maybe you
13 got it from some other source?

14 A Because that is what my normal
15 course of business would be. If the Lieutenant
16 didn't recall the number he would say look in the
17 computer, make sure it's accurate.

18 Q He told you to contact Kempkes and
19 tell him what?

20 A To telephone the department upon
21 receiving my message.

22 Q For what?

23 A He didn't give me a reason. That
24 is what he told me.

25 Q Telephone who at the department?

Cross - Gallo

323

1 A Leave a message, telephone the main
2 number, 337-0500.

3 Q That is what Satriale told you to
4 tell him?

5 A Yes, call the desk.

6 Q Call the main number?

7 A Call the desk, yes.

8 Q Did you leave that on the answering
9 machine, call the desk?

10 A I believe I left call the
11 department when you receive the message. I don't
12 think I specified further.

13 Q I'm not asking you for your belief.
14 What did you say, not your belief? What did you
15 say?

16 A Call the department when you
17 receive the message.

18 Q And you gave no reason?

19 A I don't believe I gave a reason.

20 Q I'm not asking for your belief.
21 Did you leave a message where you gave a reason?

22 A I don't believe so.

23 Q You don't think so because you
24 didn't do it?

25 A I don't remember being told to do

Cross - Gallo

324

1 it. I remember being told to tell Officer Kempkes
2 through the telephone to have him call the
3 department, and that was it.

4 Q All right, and then what happened?

5 A And then I called the Lieutenant,
6 returned the call, and said that I had left that
7 message and received a voicemail from Officer
8 Kempkes.

9 Q What happened next?

10 A He then, approximately 20 minutes
11 later, told me to relieve him at Eastchester.

12 Q Who is he, Satriale?

13 A Lieutenant Satriale, yes.

14 Q Incidentally, this was what shift
15 you were working?

16 A Well, we call it Tour 2. It's a
17 day shift, 8:00 to 4:00.

18 Q On that 8:00 to 4:00 shift on July
19 6, 2006, how many officers were on duty, outside
20 headquarters?

21 A I don't know.

22 Q Were there more than two marked
23 units on the street?

24 A I don't know.

25 Q Had you not been involved in this

Cross - Gallo

325

1 investigation of Officer Kempkes, what were you
2 supposed to be doing that day?

3 A I would have been involved in other
4 investigations.

5 Q In the Detective Division?

6 A Yes.

7 Q For how long were you and Satriale
8 out of the Jurisdiction of Bronxville, that is when
9 you went to visit the Audi dealership?

10 A I would say, approximately, 20 to
11 25 minutes.

12 Q And when you were out of the
13 jurisdiction with Satriale, how many police
14 officers were on duty during that shift protecting
15 people in the Village of Bronxville?

16 A I don't know, sir. I would have to
17 review a roll call in our computer. I don't know.

18 Q After you spoke with Satriale and
19 told him what you did in the first place, what did
20 he say to you?

21 A He instructed me to relieve him on
22 the stationary post in Eastchester.

23 Q Did he say why he wanted you to
24 relieve him?

25 A Yes, he did. He had to come back

Cross - Gallo

326

1 to the office to do other work. I'm not sure what.

2 Q He didn't tell you he was going to
3 go to Connecticut?

4 A He may have. I don't recall that.

5 Q Is there anything you can use to
6 refresh your memory?

7 A At this time, unless I had the
8 Lieutenant's notes or something, he may very well
9 have said that. I don't recall that.

10 Q Now, he told you to come relieve
11 him, and you did what?

12 A I went to relieve him at Officer
13 Kempkes' address.

14 Q You said when you got there you had
15 some kind of interaction with the Lieutenant?

16 A Very brief. We both exited our
17 vehicles, and he tried the door one more time, and
18 then left.

19 Q He tried the door meaning what?

20 A I believe he rang the bell or
21 knocked. I'm not sure. He walked up to the front
22 entrance of the house.

23 Q I'm not interested in your belief.
24 Did he knock on the door? Did he ring the bell?
25 Did he do something else? What did you see?

Cross - Gallo

327

1 A I saw him walk to the front door.

2 Q And do what?

3 A And check as one would if someone
4 were home.

5 Q How would one do that?

6 A I don't recall if he knocked or
7 rang the bell.

8 Q Did you hear anything after he
9 knocked?

10 A I don't recall hearing anything.

11 Q Did you hear anything after he rang
12 the bell?

13 A I don't recall hearing anything.

14 Q How far were you from the door when
15 Satriale knocked, and/or rang the bell?

16 A Approximately, 30 to 40 feet.

17 Q Did he say anything to you at the
18 time you came to relieve him, other than what you
19 have already told us?

20 A He told me that he had checked and
21 apparently no one was home, and that I was to stay
22 there until which time he would give me further
23 instructions, or until which time Officer Kempkes
24 arrived home.

25 Q And you remained there after how

Cross - Gallo

328

1 long?

2 A Approximately one half hour.

3 Q Doing what?

4 A Staring at California Road from my
5 vehicle.

6 Q Then what happened?

7 A Officer Kempkes pulled in.

8 Q And you said what to him, if
9 anything?

10 A I said, per the Lieutenant's
11 instructions I'm to ask you where you have been
12 this morning.

13 Q Excuse me. When did the Lieutenant
14 tell you he wanted to know where Kempkes had been?

15 A When we were at the house together.

16 Q And you forgot to mention that on
17 direct-examination?

18 A No, I believe I did.

19 Q So you testified as to that today?

20 A I had a brief conversation with the
21 Lieutenant.

22 Q You testified today, is it true,
23 that when you went to relieve the Lieutenant that
24 he told you to find out where Kempkes was to be
25 that day? Did you give that testimony?

Cross - Gallo

329

1 A I believe I said something to that
2 effect.

3 Q I'm not asking you about your
4 belief. Did you testify tonight, under penalty of
5 perjury, that when you went to relieve the
6 Lieutenant that he told you to find out where
7 Officer Kempkes had been that day, yes or no?

8 A I believe I said that, something to
9 that effect.

10 Q I'm not asking for your belief.
11 Did you say it?

12 A If I had to be quoted I would have
13 to have it read back to me. I don't recall my
14 exact words.

15 Q Well, did the Lieutenant tell you
16 that when you came to relieve him?

17 A Yes, he did.

18 Q Tell me what he said, in words or
19 substance.

20 A He told me to remain at that
21 address until which time he further instructed me,
22 or until the time Officer Kempkes arrived home.

23 Q So he didn't tell you anything
24 about asking Officer Kempkes where he had been?

25 A Yes, he did.

Cross - Gallo

330

1 Q Why didn't you say that?

2 A Yes, I just did.

3 Q Tell me everything.

4 A If and when he arrives home and you
5 are still here, unless I further direct you to
6 leave, ask him about his whereabouts during the
7 day.

8 Q Did the Lieutenant tell you why he
9 wanted to know of his whereabouts?

10 A I don't believe he specified why,
11 at that point.

12 Q I'm not asking for your belief.
13 Did he tell you?

14 A No, I don't believe so.

15 Q No, or you don't believe so?

16 A I don't believe he did.

17 Q Is your belief based on the fact
18 that he did not?

19 A I don't recall, so how would I know
20 that?

21 Q Well, when you take my testimony
22 ask whatever you want.

23 MR. O'REILLY: Is that a question?

24 Q So you asked what questions, if
25 any, of my client when he returned home?

Cross - Gallo

331

1 A I said to him, per the Lieutenant I
2 need to ask you where you were this morning.

3 Q Okay, and then did you ask my
4 client where he had been?

5 A Yes.

6 Q You posed that question after you
7 said per the Lieutenant I need to ask you that?

8 A Yes.

9 Q So you repeated yourself?

10 A Yes.

11 Q And when you said it the second
12 time, what was the question?

13 A Where were you this morning?

14 Q Okay, and what did he say?

15 A He said he had dropped his car off
16 at a dealership, and that he had gone to get a
17 slice of pizza.

18 Q Did you ask him anything else?

19 A I don't believe so.

20 Q I'm not asking your belief. Did
21 you ask him anything else?

22 A No, not that I recall.

23 Q No, or you don't recall?

24 A I don't believe I asked him
25 anything else.

Cross - Gallo

332

1 Q I'm not asking for your belief.
2 Did you ask him any other questions, yes or no?

3 A To my recollection, no, I did not.

4 Q Is there anything you can use to
5 refresh your recollection?

6 A Such as notes? I have notes in
7 front of me.

8 Q Okay, take a look at them. See if
9 they refresh your recollection as to whether or not
10 you asked him any other questions.

11 (Whereupon, the witness peruses a
12 document.)

13 A No, I don't believe I asked him
14 anymore questions. I did not ask him anymore
15 questions.

16 Q Fine. Was there anything that
17 prevented you from asking him additional questions?

18 A No. That was all I needed to ask
19 him, per my instructions from the Lieutenant.

20 Q So you didn't ask Officer Kempkes
21 whether he had done anything else, whatsoever, that
22 day when he was out of his house, right?

23 A Correct.

24 Q You had no follow-up questions?

25 A Correct.

Cross - Gallo

333

1 Q And your question to him was where
2 had he been that morning, right?

3 A Where had he been, why wasn't he
4 home, something to that effect.

5 Q Well, you testified twice now that
6 you asked him where he had been that morning.
7 Don't you remember that?

8 A Yes, I remember saying that.

9 Q Okay. And that's in fact what you
10 asked my client, right?

11 A Yes.

12 Q Where were you this morning?

13 A Yes.

14 Q And the time of day you asked him,
15 that was when, in the afternoon?

16 A Oh, it was, approximately, 12:55, I
17 believe.

18 Q Why didn't you ask him what he had
19 done in the afternoon up until the point in time
20 when you were talking to him?

21 A I don't know.

22 Q Did the Lieutenant ask you to find
23 out where my client had been on the morning of
24 July 6th?

25 A On that day.

Cross - Gallo

334

1 Q Then you disregarded his order,
2 didn't you?

3 A I don't recall if I said morning,
4 or where were you today.

5 Q Well, he asked you to find out
6 where my client had been that day, July 6th, right?

7 A Yes.

8 Q You understood that directive?

9 A Yes.

10 Q And you disregarded it by asking
11 only about the morning?

12 A No, I believe my question was
13 understood as to where were you that day, and I
14 believe that is what I said.

15 Q Well, why did you testify twice
16 already --

17 A I may have misspoke when I said
18 morning. I may have said where were you that day.

19 Q Excuse me. Why did you say twice
20 under oath that you asked my client where he had
21 been that morning?

22 A I believe I misspoke.

23 Q How many times under penalty of
24 perjury did you misspeak tonight, three times?

25 A Maybe once, sir.

Cross - Gallo

335

1 Q And when you misspoke you knew that
2 you were saying something that was inaccurate?

3 A No. I refreshed my memory.

4 Q So what did the Lieutenant tell
5 you, to find out where Kempkes had been that
6 morning?

7 A That day, where he had been.

8 Q So, in fact, you asked Kempkes
9 where were you until now, right?

10 A Yes.

11 Q You didn't say where were you this
12 morning?

13 A Correct.

14 Q And when he said he had took his
15 car in, did you ask him what time?

16 A No, I did not.

17 Q And when he said he got a slice of
18 pizza, did you ask him what time?

19 A No, I did not.

20 Q Did you ask him when he left the
21 house?

22 A When he left the house?

23 Q Did you ask him when he left the
24 house?

25 A No, I did not.

Cross - Gallo

336

1 Q Did you ask him where he took his
2 car?

3 A Yes.

4 Q What did he tell you?

5 A He told me MacQuesten Parkway,
6 which I know to be in the City of Mount Vernon.

7 Q Did Satriale tell you why he wanted
8 you to accompany him to go down to talk to an
9 individual at that dealership?

10 A Did he tell me why he wanted me to
11 accompany him, no.

12 Q Did he express any fear of
13 interacting with the person he spoke with down
14 there?

15 A No, he did not.

16 Q Did you tell Satriale after
17 speaking with my client that you asked my client
18 where he had been that morning, meaning July 6,
19 '06?

20 A No. I believe I just told Satriale
21 I asked him where he had been that day. In other
22 words, until he arrived home.

23 Q You believe you did. I'm asking
24 for the basis and fact for your belief. What did
25 you tell him that you had asked my client?

Cross - Gallo

337

1 A Where he had been that day.

2 Q So you used the word that day?

3 A To my recollection, yes.

4 Q And you memorialized that somewhere
5 in writing?

6 A I don't recall if it's in my notes.
7 If I can refer to my notes?

8 Q Sure. Take a look at your notes
9 and tell me if there is any reference in there that
10 jogs your memory as to what you asked my client by
11 way of a time reference, that is where he was that
12 morning or that day.

13 (Whereupon, the witness peruses a
14 document.)

15 A Yes, I was to ask Officer Kempkes
16 about his whereabouts that day. So the morning is,
17 I believe is incorrect. I misspoke when I said
18 morning. This does refresh my memory.

19 Q And you asked him where he had been
20 earlier that day, using those three words?

21 A Previously that day.

22 Q Well, which is it? Your memory is
23 refreshed from looking at your note, right?

24 A Previously that day, yes.

25 Q Your notes are exhibit which?

Cross - Gallo

338

1 A 19, I believe.

2 Q Okay, and you just read them?

3 A Actually, I have 17, 18 and 19 in
4 my hands.

5 Q Read them all, if you'd like, but
6 tell me with your memory refreshed, what did you
7 ask my client, where were you earlier, where were
8 you this morning, where were you this afternoon, or
9 what?

10 A Where were you previously today.

11 Q You said previously today?

12 A Yes.

13 Q Did you tell my client, I want to
14 know every place you have been since you left your
15 house until you came back?

16 A No, I did not.

17 Q Did anything prevent you from doing
18 that?

19 A No.

20 Q Did the Lieutenant tell you to get
21 some general idea as to where Kempkes had been,
22 rather than specifics as to every location he had
23 been when he was out of his house that day?

24 A The Lieutenant instructed me to ask
25 a generic instruction, where he had been when he

Cross - Gallo

339

1 arrived home. Ask him where he had been.

2 Q And if he said outside that would
3 have answered your question, right?

4 A If he had answered outside?

5 Q Yes, answering a generic question,
6 where he had been, and if my client said outside,
7 that would have answered the question?

8 A I think I would have specified, at
9 that point. When he offered a car dealership and
10 pizza place I didn't need to specify any longer.

11 Q I see. Did he tell you where the
12 pizza place was?

13 A I believe he said Chester Heights,
14 but I can refer to my notes.

15 Q So he gave you a location?

16 A He did.

17 Q All right, and did you ask him when
18 he was there, by way of time?

19 A No, I did not.

20 Q Did he volunteer it?

21 A I don't think he did, no.

22 Q And did you ask him what time of
23 day it was when he went to the dealership?

24 A I don't recall asking him that.

25 Q Did he tell you, whether you had

Cross - Gallo

340

1 asked him or not?

2 A No.

3 Q Did you ask him how long he had
4 been out of his house, prior to his returning to
5 the house when you spoke with him?

6 A No, I did not.

7 Q Did anything prevent you from
8 inquiring as to how many hours, if that long, he
9 had been out of the house?

10 A No.

11 Q Did you ask him how long it took to
12 go get the piece of pizza?

13 A No.

14 Q Did you ask him how long the drive
15 was from the pizza place to his home?

16 A No.

17 Q Did you ask him how long he had
18 been at the dealership?

19 A No.

20 Q Did you ask him if there was
21 anything else, if there was any other time period
22 that he was out of the house, other than going to
23 the dealership and getting a piece of pizza?

24 A No, I did not.

25 MR. LOVETT: Thank you. I have

Proceedings

341

1 nothing further.

2 MR. O' REILLY: Mr. Kurtz?

3 MR. KURTZ: No further questions.

4 MR. O'REILLY: Members of the Board.

5 MR. UNDERHILL: Nothing for me.

6 MAYOR MARVIN: Any questions? No? No
7 questions?

8 MR. O'REILLY: All right, thank you,
9 Detective.

10 DETECTIVE GALLO: Thank you.

11 MR. LOVETT: Does the Village rest?

12 MR. O'NEIL: Yes, we rest.

13 MR. LOVETT: Just to save a little
14 telephone time --

15 MR. O'REILLY: Let's do this off the
16 record, Mr. Lovett.

17 MR. LOVETT: No, on. It will just be
18 a minute. If I have to re subpoena the
19 Chief I'll do it, but I would like the
20 Chief as my first witness, and Satriale as
21 my second witness. If you will produce
22 them, fine. If you won't, you won't.

23 MR. O'NEIL: They were here tonight.
24 They were subject to cross-examination.
25 If you want to subpoena them, subpoena

Proceedings

342

1 them.

2 MR. LOVETT: I already did.

3 MR. O'NEIL: I'm not responding to
4 that. We don't believe you have responded.

5 MR. LOVETT: Guess what? You folks
6 are going to come back here on the 10th,
7 and because learned Counsel doesn't want
8 to honor a subpoena we will have no
9 witnesses to call. Won't that be a
10 productive use of your time.

11 MR. O'REILLY: The Board is going to
12 caucus. Will you please excuse yourselves?

13 (Whereupon the Board conducts a
14 caucus.)

15 MAYOR MARVIN: The Board is not
16 going to make any ruling on the validity
17 of subpoenas. We don't know anything about
18 that. We will instruct Mr. O'Neil to have
19 Chief Downey and Lieutenant Satriale here
20 for our January 10th meeting at 6:30. So
21 January 10th at 6:30, back in the
22 Bronxville School Building.

23 MR. O'REILLY: We will let you know
24 the room location.

25 MR. LOVETT: Can we ascertain

1 whether Mr. O'Neil is going to comply with
2 your directive?

3 MR. O'NEIL: Just so it's clear,
4 because this is similar to the discussion
5 we had earlier about the documents, we
6 understand under the statute there is no
7 requirement that you must supply pre-trial
8 discovery. We have had disciplinary
9 proceedings with you here before. I have
10 had many disciplinary proceedings with
11 you. I know the rights. I almost always,
12 and I believe even in cases prior with Mr.
13 Lovett we get request demands for Bills of
14 Particular, and we generally comply with
15 them so we don't go through what we went
16 through tonight, sitting in the hallway
17 for an hour-and-a-half waiting for you to
18 read it.

19 Similarly, with regard to the
20 subpoenas and witnesses, the day before
21 this hearing commenced Mr. Lovett
22 attempted to subpoena the entire police
23 department to appear at the same time at
24 the beginning of the hearing, and we
25 believe that is an abuse of process, and

1 we think it would be unenforceable. We
2 communicated with Mr. Lovett and said that
3 to him, and we said give us a call and
4 tell us who you want, and when. We got no
5 call. We got no response. That is why we
6 took the position we did. We have no
7 problem. If you tell us you want the Chief
8 and Lieutenant Satriale here, they will be
9 here.

10 MR. LOVETT: So speeches aside I
11 take it he agreed to produce the Chief and
12 Satriale. Is that the Board's
13 understanding?

14 MAYOR MARVIN: Yes, that is correct.

15 MR. O'REILLY: You will make your
16 best efforts to have Chief Downey and
17 Lieutenant Satriale?

18 MR. O'NEIL: Absolutely.

19 MR. LOVETT: Thank you.

20 MAYOR MARVIN: All right, so good
21 evening, everybody.

22 MR. O'REILLY: We are adjourned.

23 MAYOR MARVIN: Until the 10th.

24 (Time Noted: 11:20 p.m.)
25

Proceedings

345

E X H I B I T S.

BOARD'S
EXHIBITS

DESCRIPTION ID

3 Letter from 5
Officer Kempkes
dated 12/21/06

4 Incident Synopsis 107

DEPARTMENT'S
EXHIBITS

DESCRIPTION ID/EVD

9 Memorandum from 11/14
the Chief of Police
dated August 5, 2003

10 July 6, 2006 roll 14/15
call sheet

11 Desk Officer's 16/17
log dated 4/26/06

12 Handwritten note 17/24
by Dr. James H. Carr

13 July 6, 2006 e-mail 31/35
from Sergeant Mitchell

14 Service order from 40/41
Classic Automobiles

15 Sick leave report 48/50
logs

16 3/10/99 roll call 180/181

17 Detective Gallo's 192/194
7/6/06 supplemental
report

18 Detective Gallo's 200/202
electronic mailbox
dated 5/9/03

19 Detective Gallo's 202/204
2nd electronic mailbox

Proceedings

346

I N D E X

| EXAMINATION BY: | PAGE |
|---|---------|
| DIRECT EXAMINATION OF LIEUTENANT SATRIALE BY MR. O'NEIL | 6-18 |
| VOIR DIRE EXAMINATION OF LIEUTENANT SATRIALE BY MR. LOVETT | 18-22 |
| CONTINUED DIRECT EXAMINATION OF LIEUTENANT SATRIALE BY MR. O'NEIL | 22-32 |
| VOIR DIRE EXAMINATION OF LIEUTENANT SATRIALE BY MR. LOVETT | 32-34 |
| CONTINUED DIRECT EXAMINATION OF LIEUTENANT SATRIALE BY MR. O'NEIL | 34-55 |
| CROSS EXAMINATION OF LIEUTENANT SATRIALE BY MR. LOVETT | 55-129 |
| REDIRECT EXAMINATION OF LIEUTENANT SATRIALE BY MR. O'NEIL | 129-144 |
| RECROSS EXAMINATION OF LIEUTENANT SATRIALE BY MR. LOVETT | 144-149 |
| RE REDIRECT EXAMINATION OF LIEUTENANT SATRIALE BY MR. O'NEIL | 149 |
| RE RECROSS EXAMINATION OF LIEUTENANT SATRIALE BY MR. LOVETT | 149-150 |
| RE RE RECROSS EXAMINATION OF LIEUTENANT SATRIALE BY MR. LOVETT | 154-160 |

Proceedings

347

I N D E X (CNT'D)

| EXAMINATION BY: | PAGE |
|---|---------|
| RE RE REDIRECT EXAMINATION OF LIEUTENANT SATRIALE BY MR. O'NEIL | 160-161 |
| RE RE RE RECROSS EXAMINATION OF LIEUTENANT SATRIALE BY MR. LOVETT | 161-163 |
| DIRECT EXAMINATION OF SERGEANT MITCHELL BY MR. KURTZ | 164-170 |
| CROSS EXAMINATION OF SERGEANT MITCHELL BY MR. LOVETT | 170-176 |
| RECROSS EXAMINATION OF SERGEANT MITCHELL BY MR. LOVETT | 177 |
| DIRECT EXAMINATION OF CHIEF DOWNEY BY MR. O'NEIL | 178-182 |
| DIRECT EXAMINATION OF DETECTIVE GALLO BY MR. KURTZ | 182-207 |
| CROSS EXAMINATION OF DETECTIVE GALLO BY MR. LOVETT | 207-229 |

Proceedings

348

C E R T I F I C A T I O N

Certified to be a true and accurate
transcript of the aforesaid proceeding.

A handwritten signature in cursive script that reads "Melissa Sasso". The signature is written in dark ink and is positioned above a dashed line.

Melissa Sasso

Proceedings

349

| | | | | |
|---|--|--|--|---|
| | | | | |
| '06 - 25:6, 57:22, 62:2, 65:1, 65:22, 66:23, 68:10, 68:23, 74:2, 75:9, 75:13, 77:7, 78:11, 78:18, 79:1, 112:11, 112:15, 112:21, 113:1, 113:2, 113:4, 113:6, 122:4, 160:11, 162:5, 170:10, 184:7, 207:14, 224:19 '07 - 94:8 '99 - 9:24 | 14 - 9:10, 40:19, 40:22, 41:1, 41:24, 233:17 14/15 - 233:11 144-149 - 234:17 149 - 234:19 149-150 - 234:21 14th - 10:6, 10:9 15 - 40:2, 48:15, 48:18, 48:22, 49:25, 50:8, 50:11, 109:22, 113:1, 141:7, 160:19, 233:18 15-watt - 102:3 154-160 - 234:23 16 - 180:21, 180:23, 181:2, 181:25, 233:20 16/17 - 233:12 160-161 - 235:3 161-163 - 235:5 164-170 - 235:7 17 - 192:22, 192:24, 193:2, 194:3, 200:11, 226:3, 233:21 17/24 - 233:14 170-176 - 235:9 177 - 235:11 178-182 - 235:13 18 - 200:1, 200:3, 200:6, 200:16, 201:15, 201:22, 202:12, 226:3, 233:23 18-22 - 234:5 180/181 - 233:20 182-207 - 235:15 19 - 6:9, 6:10, 6:14, 124:11, 124:21, 125:16, 125:20, 179:3, 202:15, 202:18, 202:21, 203:10, 204:6, 204:9, 205:4, 226:1, 226:3, 233:25 192/194 - 233:21 1986 - 179:3 1988 - 6:17, 7:21, 179:3, 179:4 1991 - 165:6, 165:7 1992 - 6:19, 179:4, 179:5 1995 - 9:23 1996 - 6:20 1998 - 179:5, 179:6 1999 - 8:20, 9:10, 10:9, 180:1, 180:9, 180:12, 181:7, 181:9, 182:5 1:00 - 39:9 1:39 - 194:11 1:55 - 170:1 | 204:24, 207:4, 233:10 2005 - 52:12, 147:12, 173:20 2006 - 1:3, 3:5, 3:13, 7:3, 12:21, 13:1, 14:13, 15:15, 16:22, 24:16, 25:17, 32:13, 46:24, 49:11, 50:19, 50:21, 52:7, 53:20, 55:13, 98:17, 122:6, 135:14, 140:22, 165:11, 166:2, 169:7, 170:2, 183:23, 194:13, 212:19, 233:11, 233:15 2007 - 1:9, 103:12 202 - 162:18 202/204 - 233:25 207-229 - 235:17 207c - 66:5, 137:24, 138:5, 162:6, 162:19, 163:1, 163:3, 163:8, 163:11 21 - 1:3, 3:13, 183:5 22-32 - 234:7 222 - 2:3 23 - 38:20, 87:6, 87:12 25 - 113:1, 113:4, 213:11 25-and-a-half - 165:4 26th - 4:6, 16:21 28 - 54:9, 54:13 2:25 - 93:21 2:30 - 93:21, 165:17 2l - 24:10 2nd - 233:25 | 40/41 - 233:17 45 - 169:9 48/50 - 233:18 4:00 - 14:16, 24:11, 181:10, 184:3, 212:17, 212:18 5 5 - 11:25, 12:15, 233:3, 233:10 5/9/03 - 233:24 55-129 - 234:13 570 - 2:18 5th - 67:3, 77:1 6 6 - 32:13, 52:7, 53:12, 53:20, 57:22, 62:2, 65:1, 65:22, 66:23, 68:10, 68:23, 74:2, 75:9, 75:13, 77:7, 78:10, 78:18, 79:1, 112:11, 112:14, 112:21, 113:6, 135:14, 139:17, 147:12, 158:3, 160:11, 165:11, 166:2, 169:7, 170:2, 170:10, 183:23, 184:7, 194:13, 207:14, 212:19, 224:18, 233:11, 233:15 6-18 - 234:3 684-0201 - 1:25 6:30 - 1:10, 165:17, 230:20, 230:21 6th - 7:3, 14:13, 15:15, 24:16, 25:8, 25:17, 27:18, 29:12, 48:2, 50:21, 54:13, 62:7, 63:13, 63:24, 64:14, 64:21, 66:12, 67:2, 67:4, 76:20, 77:13, 78:23, 79:12, 79:14, 91:24, 93:13, 93:16, 93:17, 93:18, 94:10, 94:12, 97:20, 98:17, 113:3, 114:14, 114:16, 122:20, 123:2, 126:12, 127:22, 140:22, 165:21, 168:2, 171:1, 221:24, 222:6 7 7 - 46:24, 55:13, 117:14, 122:4, 122:6 7/6/06 - 146:2, 233:21 78 - 116:1 7:00 - 25:16 7th - 48:1, 49:11, 50:19, 52:25, 64:14, 91:25, 92:19, 95:3, 96:12, 97:6, 123:11, 124:9 8 8 - 107:13, 144:20, 144:25 8:00 - 14:16, 24:11, 24:12, 184:2, 212:17, 212:18 8:15 - 16:22 | 9 9 - 11:13, 11:16, 11:20, 14:9, 137:5, 137:8, 138:19, 149:16, 149:23, 179:3, 200:20, 204:24, 207:3, 233:9 914 - 1:25 9:30 - 50:24 9:45 - 195:4 A A1 - 117:14, 159:15 A2 - 159:20 A3 - 163:13 A6 - 138:19, 138:20 able - 128:4, 195:19, 196:5 absence - 21:22, 25:9, 70:14, 71:17 absences - 139:18, 140:1, 161:7, 161:19 Absolutely - 66:21, 72:14, 80:22, 110:3, 112:22, 232:18 absurd - 103:16 abuse - 155:2, 231:25 abuser - 131:8 accept - 23:23, 33:14, 129:22 acceptable - 63:3 accepted - 130:13 access - 33:4, 105:6, 172:7 accessed - 172:5 accommodate - 206:15 accompany - 224:8, 224:11 accordance - 119:15 accumulate - 57:15 accumulating - 71:17 accumulation - 65:11, 65:15 accurate - 32:12, 123:17, 151:7, 208:24, 209:1, 210:17, 236:7 accurately - 3:21 acknowledge - 119:5 action - 26:13, 155:3, 174:5 actions - 53:18, 150:20 active - 69:6 actual - 177:11 add - 13:24 addition - 49:16, 59:4 additional - 22:3, 36:12, 121:11, 121:14, 121:17, 121:21, 123:1, 220:17 address - 28:5, 42:3, 126:18, 126:20, 127:25, 185:25, 186:1, 186:3, 186:7, 186:12, 186:16, 186:23, 186:24, 187:8, 187:18, 187:24, 188:2, 194:21, 194:23, 194:24, 195:5, 195:8, |
| 0 07/06/2006 - 193:17, 194:6 | | | | |
| 1 1 - 4:7, 105:13 11/95 - 175:6 10 - 8:20, 14:19, 14:22, 15:1, 16:1, 24:7, 117:25, 175:10, 180:1, 181:7, 233:11 100 - 105:13 10523 - 2:18 10530 - 1:24 10605 - 2:3 107 - 233:5 10:00 - 46:19, 94:21 10:15 - 47:13 10:50 - 166:4 10:55 - 75:20, 109:3 10th - 180:11, 181:9, 230:6, 230:20, 230:21, 232:23 11 - 9:24, 16:5, 16:7, 16:11, 17:5, 17:16, 18:2, 18:5, 19:20, 20:6, 21:14, 182:5, 183:12, 183:15, 233:12 11/14 - 233:9 11/20 - 4:7 111 - 1:23 1150 - 121:18, 121:19, 121:21 11530-1679 - 2:8 11:00 - 180:14 11:20 - 232:24 11:50 - 184:11 11:55 - 32:13 12 - 17:8, 17:11, 17:17, 17:20, 17:21, 18:16, 18:22, 19:2, 20:3, 20:5, 22:7, 23:5, 24:4, 115:7, 136:4, 139:23, 233:14 12/21/06 - 233:4 125 - 193:12, 193:13 129-144 - 234:15 12:00 - 181:11 12:25 - 89:17, 185:23 12:30 - 38:1, 38:18 12:44 - 41:12, 43:7 12:55 - 221:16 13 - 3:4, 31:21, 31:23, 32:2, 33:2, 33:6, 35:2, 169:16, 169:20, 169:21, 233:15 1399 - 2:7 13:39 - 194:10 | 2 2 - 3:15, 4:5, 4:8, 7:7, 7:12, 142:16, 212:16 2-inch - 102:5 2.0 - 124:12 20 - 143:14, 212:10, 213:10 200 - 2:7 200/202 - 233:23 2000 - 6:21, 178:24, 179:7 2003 - 6:21, 11:25, 12:15, 12:21, 12:23, 54:25, 55:3, 115:9, 137:21, 138:1, 194:19, 197:21, 200:20, 202:3, 203:5, | 3 3 - 4:4, 4:10, 4:12, 5:4, 7:25, 8:11, 28:3, 28:5, 181:7, 181:8, 233:3 3/10/99 - 233:20 3/11 - 180:9 30 - 38:20, 215:16 30th - 78:22 31/35 - 233:15 32-34 - 234:9 337-0500 - 211:2 34-55 - 234:11 38 - 32:13 3:00 - 25:16, 180:14 3a - 8:1, 8:12, 9:12, 10:13, 11:9, 47:22, 49:16, 52:23, 53:3, 55:15, 113:17, 114:20, 114:24, 118:25, 119:17, 127:18, 139:16, 150:17, 154:9, 174:21, 174:24, 176:5, 179:9, 180:3, 182:3 3b - 8:18, 8:25, 10:3, 179:10, 179:14 3rd - 77:17, 77:20 | 4 4 - 1:9, 107:10, 107:17, 107:20, 107:23, 135:10, 135:15, 136:14, 142:19, 144:3, 233:5 4.1 - 142:20 4/26/06 - 233:13 40 - 215:16 | 5 5 - 11:25, 12:15, 233:3, 233:10 5/9/03 - 233:24 55-129 - 234:13 570 - 2:18 5th - 67:3, 77:1 6 6 - 32:13, 52:7, 53:12, 53:20, 57:22, 62:2, 65:1, 65:22, 66:23, 68:10, 68:23, 74:2, 75:9, 75:13, 77:7, 78:10, 78:18, 79:1, 112:11, 112:14, 112:21, 113:6, 135:14, 139:17, 147:12, 158:3, 160:11, 165:11, 166:2, 169:7, 170:2, 170:10, 183:23, 184:7, 194:13, 207:14, 212:19, 224:18, 233:11, 233:15 6-18 - 234:3 684-0201 - 1:25 6:30 - 1:10, 165:17, 230:20, 230:21 6th - 7:3, 14:13, 15:15, 24:16, 25:8, 25:17, 27:18, 29:12, 48:2, 50:21, 54:13, 62:7, 63:13, 63:24, 64:14, 64:21, 66:12, 67:2, 67:4, 76:20, 77:13, 78:23, 79:12, 79:14, 91:24, 93:13, 93:16, 93:17, 93:18, 94:10, 94:12, 97:20, 98:17, 113:3, 114:14, 114:16, 122:20, 123:2, 126:12, 127:22, 140:22, 165:21, 168:2, 171:1, 221:24, 222:6 7 7 - 46:24, 55:13, 117:14, 122:4, 122:6 7/6/06 - 146:2, 233:21 78 - 116:1 7:00 - 25:16 7th - 48:1, 49:11, 50:19, 52:25, 64:14, 91:25, 92:19, 95:3, 96:12, 97:6, 123:11, 124:9 8 8 - 107:13, 144:20, 144:25 8:00 - 14:16, 24:11, 24:12, 184:2, 212:17, 212:18 8:15 - 16:22 |

| | | | | |
|---|--|---|--|--|
| <p>195:17, 196:3, 214:13, 217:21 addressed - 65:16 adds - 193:16 adjourned - 232:22 adjournment - 100:7 administers - 104:25, 105:3, 105:4 administration - 173:24, 174:16 advanced - 132:4 advice - 136:22 advise - 43:16, 168:5 advised - 167:24, 168:7 advisory - 41:7 Affairs - 91:16, 91:17, 91:21, 95:11, 124:2 afforded - 95:1 aforesaid - 236:8 afraid - 25:1 afternoon - 221:15, 221:19, 226:8 aggravating - 137:19 ago - 65:8, 65:17 Agree - 44:4, 44:5 agree - 119:16 agreed - 54:24, 67:20, 136:1, 139:14, 232:11 agreement - 28:2, 28:20 ahead - 18:13, 198:25 ain't - 34:10 air - 20:7 allow - 22:1, 116:24, 123:21 allowed - 70:7, 123:23, 131:6 almost - 143:1, 143:8, 231:11 alone - 98:2, 196:22 analyze - 102:5 Anne - 2:15 announced - 132:24 announcement - 103:18 answer - 20:21, 20:22, 20:25, 21:2, 27:4, 42:23, 43:20, 44:16, 48:3, 92:13, 100:18, 109:9, 111:11, 116:25, 118:13, 118:15, 133:12, 134:18, 134:20, 140:12, 140:20, 142:8, 142:11, 149:24, 163:19, 167:25, 173:11, 189:17, 198:2, 198:24, 207:20 answered - 21:3, 27:12, 35:20, 62:9, 116:11, 142:5, 142:7, 148:4, 156:15, 156:20, 207:22, 227:3, 227:4, 227:7 answering - 27:13, 31:12, 82:11, 82:13, 83:11, 84:25, 105:17, 108:3, 108:11, 109:5, 109:19, 166:13, 167:7, 167:15, 211:8, 227:5</p> | <p>answers - 92:16 anyhow - 22:19, 63:14, 90:21, 201:25 apart - 33:6 appear - 9:3, 32:11, 231:23 appeared - 22:7, 22:10 applicable - 130:8, 141:25, 142:1 applied - 115:5, 115:12, 130:12, 130:19 applies - 114:12, 118:21 apply - 115:16, 115:23, 116:1, 142:2, 142:4, 160:2 appointment - 168:6 appreciate - 98:24, 99:8, 131:23, 150:3 April - 16:21, 112:25, 113:4 area - 134:4 areas - 138:25 argue - 115:16, 115:18 argued - 115:3 argument - 115:10, 130:6, 130:10, 130:17, 130:18 arise - 60:4, 60:18 arose - 141:3 arrange - 72:22 arrangement - 73:5 arrival - 29:11 arrive - 37:21 arrived - 38:2, 44:22, 186:20, 187:9, 191:19, 195:2, 195:9, 195:16, 215:24, 217:22, 224:22, 227:1 arrives - 218:4 Article - 116:1, 124:21, 125:16, 125:20, 142:19, 144:3, 144:20, 144:25 article - 126:1 articles - 145:2 articulate - 132:2 ascertain - 30:16, 36:20, 127:24, 152:5, 230:25 aside - 232:10 Aside - 19:11, 168:21 ass - 129:10 assault - 133:4 assigned - 6:18, 183:17, 183:18 Associates - 1:21 assume - 3:6, 19:9 assumption - 19:11, 68:21, 109:20, 116:4 asterisks - 107:7 attached - 105:17, 108:3, 109:5 attachment - 10:15, 10:25, 11:2, 15:17, 32:17, 121:7 attempt - 51:8, 132:2, 184:14, 187:12, 187:22, 195:13, 195:17, 207:17, 208:15 attempted - 184:24, 231:22 attempting - 125:11</p> | <p>attempts - 119:24, 120:1, 121:11, 121:14, 121:15, 121:17, 121:20, 121:22 attended - 75:11 attorney - 94:19, 114:18 attorneys - 3:15, 4:12 Attorneys - 2:2, 2:7 Audi - 91:3, 91:6, 91:8, 188:21, 188:22, 191:13, 191:17, 191:20, 213:9 audible - 44:10 audience - 116:19 audio - 95:6, 95:13 augmented - 114:7 August - 1:3, 6:9, 11:25, 12:15, 12:21, 12:23, 54:25, 66:6, 113:1, 162:4, 165:7, 179:5, 179:6, 233:10 authored - 162:22 authority - 77:21 authorized - 52:19 Auto - 40:21, 51:1 auto - 43:10, 43:12, 43:15, 45:17, 83:25, 84:4 automatically - 193:16 Automobiles - 39:23, 40:7, 40:10, 41:8, 51:13, 51:15, 233:17 available - 87:2, 87:8, 89:21, 103:2, 128:25 Avenue - 1:23, 2:7 awaken - 99:1 aware - 68:23, 69:1, 136:12 awareness - 68:9 awhile - 51:7, 51:11, 63:5, 63:18, 65:10, 99:4, 99:6</p> | <p>bearing - 18:25, 142:22 became - 90:8, 97:18 become - 53:18, 71:24, 150:21 becoming - 149:7 beforehand - 103:1, 103:7, 103:15 began - 29:18, 136:19 beginning - 46:5, 193:12, 231:24 behind - 133:2 belief - 171:16, 208:7, 208:12, 208:19, 211:13, 211:14, 211:20, 214:23, 217:4, 217:10, 218:12, 218:17, 219:20, 220:1, 224:24 bell - 30:14, 38:19, 38:22, 66:19, 88:7, 121:23, 187:14, 214:20, 214:24, 215:7, 215:12, 215:15 Bellitto - 2:14 benefit - 70:6, 71:12, 145:23 best - 61:23, 74:23, 210:7, 210:10, 232:16 better - 80:20, 134:7 between - 135:19, 163:11, 163:14, 167:18, 186:18, 190:13, 204:11 Bills - 231:13 blame - 30:5 block - 28:4 blocked - 28:7 Bloomington - 2:3 board - 3:11, 12:25, 75:16 Board - 1:1, 2:13, 2:17, 3:3, 3:15, 4:9, 4:11, 14:3, 23:24, 24:23, 27:1, 31:8, 37:8, 38:8, 39:15, 42:15, 43:23, 44:9, 45:8, 55:8, 55:19, 62:17, 64:9, 75:12, 84:19, 84:23, 100:14, 107:1, 116:21, 116:23, 131:17, 136:25, 137:18, 139:10, 140:17, 141:12, 143:24, 150:10, 150:12, 151:9, 151:11, 153:25, 154:3, 154:5, 157:10, 161:10, 171:9, 176:20, 182:14, 182:15, 197:25, 202:8, 204:2, 204:19, 205:8, 229:4, 230:11, 230:13, 230:15 Board's - 4:4, 4:7, 4:8, 5:4, 28:3, 28:5, 107:10, 107:17, 107:20, 107:22, 232:12, 233:2 Body - 51:1 bold - 113:20, 121:7, 130:4, 150:24, 151:24, 154:13 bolds - 152:4 Bond - 2:6 bootstrap - 20:7</p> | <p>boring - 134:12 bottom - 10:13, 10:25 box - 62:22, 62:25, 69:13, 89:2 boys - 133:9, 138:11 breached - 28:21 break - 84:21, 95:24, 100:9, 100:19, 100:20, 101:5, 101:7, 103:21 breakfast - 51:2, 51:3, 52:5, 52:16, 52:17 Brian - 147:17, 173:23, 178:15 brief - 201:3, 214:16, 216:20 briefly - 187:4, 189:2, 191:22 bring - 132:15 Bronxville - 1:1, 1:8, 6:4, 7:16, 9:17, 160:22, 161:14, 165:2, 178:18, 179:1, 183:8, 183:11, 213:8, 213:15, 230:22 brought - 39:23, 43:5, 51:12, 100:2, 132:18 Building - 230:22 bulletin - 12:24 burn - 198:25, 199:1 business - 210:15 Bvdp - 159:2</p> |
| C | | | | |
| <p>C3 - 158:15 calendar - 79:2 California - 188:11, 216:4 caller - 184:25 cancelling - 162:5 cannot - 11:2, 65:16, 111:20, 116:1 capacity - 3:23, 6:5, 47:8, 178:20 capital - 113:17 caps - 113:21 car - 39:23, 43:5, 43:8, 51:9, 51:11, 51:16, 51:17, 186:25, 188:14, 188:17, 188:19, 188:20, 189:6, 191:4, 191:5, 191:7, 196:23, 219:15, 223:15, 224:2, 227:9 Carbone - 1:21 care - 70:8, 73:2, 82:23, 84:11, 108:16, 131:12, 153:6 Carr - 17:25, 19:3, 23:13, 23:16, 233:14 case - 13:4, 103:8, 128:16, 132:12, 144:15, 182:12, 192:15, 192:17, 201:24 cases - 231:12 catch - 141:22 caucus - 116:17, 116:20, 116:22, 150:11, 230:12, 230:14 caught - 115:13, 115:15 cell - 36:20, 37:11,</p> | | | | |

| | | | | |
|--|--|---|--|---|
| <p>37:12, 85:17, 85:19, 85:20, 85:25, 88:12, 89:4, 184:13, 184:17, 189:9</p> <p>cellular - 184:14, 208:1, 208:5, 208:14, 208:16, 209:3</p> <p>Central - 1:23</p> <p>certain - 26:13, 146:18</p> <p>Certain - 181:11</p> <p>Certainly - 142:2</p> <p>certainly - 81:18, 130:20, 130:24, 131:17, 132:18</p> <p>Certified - 236:7</p> <p>chalk - 114:17</p> <p>chance - 82:1</p> <p>change - 26:21, 54:14</p> <p>changed - 90:25, 103:11, 109:23, 162:18</p> <p>chango - 138:6</p> <p>Chapter - 124:11, 124:21</p> <p>chapter - 124:25, 126:1</p> <p>charge - 25:7, 80:14</p> <p>Charges - 1:2</p> <p>charges - 13:11, 13:14, 98:15, 99:25, 138:1, 162:16, 197:13, 197:15</p> <p>check - 25:12, 29:6, 56:10, 57:3, 57:7, 63:2, 63:21, 65:19, 67:5, 68:13, 68:18, 68:19, 71:20, 72:2, 72:6, 75:19, 75:25, 76:25, 77:6, 87:21, 93:23, 94:1, 104:15, 105:12, 109:17, 110:23, 111:9, 111:14, 111:18, 118:6, 118:19, 118:23, 119:3, 119:11, 122:8, 122:17, 123:2, 140:5, 140:7, 146:5, 146:16, 147:14, 147:19, 147:23, 149:15, 166:7, 166:24, 171:7, 176:5, 177:6, 199:9, 215:3</p> <p>checked - 72:3, 117:18, 119:19, 121:3, 145:22, 146:20, 148:7, 173:13, 173:21, 173:22, 173:25, 174:2, 174:8, 174:12, 175:2, 175:5, 175:13, 175:19, 175:25, 176:1, 176:10, 215:20</p> <p>checking - 55:11, 76:23, 76:24, 120:17, 121:1, 121:2, 174:4, 175:8</p> <p>checks - 97:14, 140:21, 177:11</p> <p>Chester - 51:17, 189:7, 227:13</p> <p>Chief - 5:12, 10:20, 11:24, 12:14, 66:4, 66:9, 75:6, 75:8, 75:15, 96:2, 96:18, 96:19, 96:20, 97:6, 98:1, 98:12, 99:15, 105:1, 105:2, 105:6,</p> | <p>105:9, 105:11, 124:11, 124:22, 124:24, 125:5, 125:25, 137:24, 138:6, 139:17, 139:24, 146:4, 147:15, 147:16, 149:14, 162:5, 162:16, 162:22, 178:15, 178:16, 178:21, 179:13, 180:15, 180:25, 182:11, 182:16, 182:17, 194:20, 196:19, 198:12, 199:18, 199:21, 229:19, 229:20, 230:19, 232:7, 232:11, 232:16, 233:9, 235:13</p> <p>choose - 127:22</p> <p>Christopher - 2:9</p> <p>circled - 41:12, 41:15</p> <p>circumstances - 13:2, 20:12, 29:5, 118:16, 141:2, 194:18</p> <p>City - 2:8, 191:10, 224:6</p> <p>civilian - 3:23, 133:4</p> <p>claim - 110:11, 132:3</p> <p>claimed - 83:10</p> <p>claims - 21:16, 66:3, 132:4</p> <p>clarification - 150:4</p> <p>clarify - 198:18, 206:10</p> <p>Classic - 39:23, 40:7, 40:9, 40:21, 41:8, 51:12, 51:15, 233:17</p> <p>clean - 25:11, 57:23, 59:6, 60:3, 61:2, 62:7, 63:6, 63:9, 64:13, 64:18, 65:2, 65:14, 66:24, 67:16, 68:5, 71:14, 75:5, 75:25, 76:3, 76:22, 81:16, 109:17, 111:7, 111:13, 111:18, 166:24, 171:6, 206:8</p> <p>cleaned - 64:6, 64:22, 65:5, 67:21, 67:24, 93:24, 171:13</p> <p>clear - 63:17, 78:1, 78:6, 102:21, 114:15, 128:25, 142:3, 231:3</p> <p>Clearly - 122:16</p> <p>clearly - 114:24, 153:11</p> <p>cleverly - 20:4, 34:13</p> <p>client - 19:7, 57:23, 60:22, 64:13, 66:13, 66:19, 66:24, 67:13, 68:24, 73:24, 75:5, 75:19, 78:11, 79:16, 79:19, 79:20, 87:24, 91:23, 94:10, 94:13, 96:20, 98:2, 104:17, 114:12, 117:18, 122:8, 123:12, 124:10, 124:18, 125:4, 125:19, 132:25, 137:23, 141:18, 145:9, 146:1, 160:10, 162:17, 162:23, 170:19,</p> | <p>171:5, 171:13, 171:19, 218:25, 219:4, 221:10, 221:23, 222:6, 222:20, 224:17, 224:25, 225:10, 226:7, 226:13, 227:6</p> <p>clients - 64:22, 74:2, 79:10, 80:15, 80:25, 83:18, 87:8, 87:16, 87:19, 90:16, 93:23, 94:2, 97:15, 105:7, 105:12, 105:17, 122:12, 127:24, 162:1, 170:19, 171:2, 171:10</p> <p>clients - 34:10</p> <p>closed - 57:20</p> <p>Cnt'd - 235:1</p> <p>code - 105:1, 105:3</p> <p>coffee - 50:25, 52:4</p> <p>coincidence - 66:22, 66:25</p> <p>collected - 94:9</p> <p>color - 188:22</p> <p>comfort - 34:11</p> <p>coming - 37:5, 42:20, 161:3</p> <p>command - 115:6, 129:23, 130:13, 130:14, 131:21, 133:16, 136:13, 138:9, 148:16, 148:22, 174:5, 201:21</p> <p>Commander - 6:24</p> <p>commander - 90:6</p> <p>commenced - 231:21</p> <p>comment - 129:12, 206:18</p> <p>Commissioners - 1:1, 2:13, 3:3</p> <p>committed - 13:10, 32:24, 133:3, 144:22</p> <p>communicated - 232:2</p> <p>community - 183:21</p> <p>Community - 1:9</p> <p>Comp - 39:21, 54:7, 54:10, 161:19</p> <p>company - 84:4, 196:13</p> <p>compartment - 57:20</p> <p>compensation - 190:7, 190:9</p> <p>compensatory - 136:4, 139:15, 139:21, 139:23</p> <p>competency - 140:12</p> <p>complete - 6:9, 123:17, 157:1, 159:1, 159:21</p> <p>completed - 95:21, 96:1, 199:16</p> <p>completely - 156:8, 195:5</p> <p>completing - 200:22</p> <p>complied - 64:17</p> <p>comply - 54:4, 54:6, 54:11, 54:21, 153:11, 153:18, 154:22, 231:1, 231:14</p> <p>compose - 168:24</p> <p>composed - 169:9, 169:12, 169:25</p> <p>composing -</p> | <p>168:21</p> <p>compounding - 13:9, 55:4</p> <p>compromised - 33:4</p> <p>computer - 15:12, 16:18, 21:14, 192:16, 193:16, 209:8, 209:10, 209:25, 210:1, 210:17, 213:17</p> <p>computers - 140:8</p> <p>concentrating - 72:5</p> <p>concerned - 168:23</p> <p>concerning - 52:7</p> <p>condition - 51:10</p> <p>conditions - 34:21</p> <p>Conduct - 7:18</p> <p>conducting - 91:20, 92:5</p> <p>conducts - 116:21, 230:13</p> <p>confident - 73:17, 73:22, 93:4</p> <p>confinement - 53:14</p> <p>confirm - 43:7, 91:10, 91:12</p> <p>confirming - 64:19</p> <p>confuse - 156:8</p> <p>congratulate - 132:10</p> <p>connected - 108:12</p> <p>Connecticut - 90:16, 90:20, 90:23, 126:8, 126:11, 126:15, 127:4, 127:6, 127:8, 127:11, 127:13, 127:15, 127:17, 127:23, 128:2, 128:4, 128:6, 214:3</p> <p>connection - 26:10</p> <p>conscience - 102:3</p> <p>conscious - 77:12</p> <p>consisted - 88:18</p> <p>consistent - 201:19, 205:8, 205:23</p> <p>contact - 36:19, 38:13, 39:19, 46:20, 79:19, 109:25, 167:2, 167:22, 184:14, 184:17, 195:14, 195:17, 207:17, 210:18</p> <p>contacted - 79:20, 80:21, 167:12, 184:16, 184:21</p> <p>contacts - 45:15</p> <p>contain - 204:22</p> <p>contained - 95:17, 113:15</p> <p>contempt - 129:9</p> <p>content - 185:9</p> <p>contents - 79:15, 196:1</p> <p>context - 54:2</p> <p>continually - 68:24</p> <p>continuation - 3:2, 197:22</p> <p>Continue - 36:3, 90:12, 137:2, 139:12, 140:4, 140:19, 144:1</p> <p>continue - 45:5, 82:6, 90:9, 102:15, 138:15</p> <p>continued - 121:17, 125:11, 125:15, 155:18</p> <p>Continued - 22:6,</p> | <p>22:22, 35:4, 104:8, 234:7, 234:11</p> <p>continues - 69:8</p> <p>continuing - 90:20</p> <p>convened - 3:4</p> <p>conversation - 26:15, 26:18, 30:24, 35:5, 36:25, 37:15, 38:14, 39:5, 39:25, 42:9, 47:25, 52:24, 53:2, 53:25, 55:12, 98:11, 142:12, 145:8, 146:1, 166:23, 168:10, 189:2, 189:21, 190:3, 190:12, 190:19, 190:22, 195:22, 196:1, 198:14, 198:20, 199:3, 199:7, 199:14, 199:17, 199:19, 200:24, 204:11, 204:23, 207:3, 216:20</p> <p>conversations - 26:1, 38:3, 52:11, 140:23, 141:17</p> <p>convict - 201:20</p> <p>conviction - 137:21</p> <p>convictions - 13:13, 136:21</p> <p>cooperate - 92:7</p> <p>copied - 106:14</p> <p>copies - 8:2, 8:6, 49:4, 102:22, 103:8, 106:7, 106:9, 106:24, 107:2, 107:5</p> <p>copy - 3:18, 4:12, 4:16, 7:19, 9:22, 10:18, 10:21, 15:14, 16:17, 20:12, 28:8, 32:9, 41:7, 41:15, 43:6, 54:20, 55:14, 81:16, 81:21, 92:24, 93:9, 96:2, 100:7, 101:14, 101:20, 106:16, 125:20</p> <p>Correct - 8:21, 10:4, 21:24, 47:23, 53:5, 65:3, 113:10, 113:13, 119:21, 120:16, 122:10, 122:13, 220:23, 220:25, 223:13</p> <p>correct - 3:8, 3:19, 49:19, 84:2, 169:1, 170:3, 198:15, 232:14</p> <p>Counsel - 2:17, 5:9, 98:25, 103:18, 130:5, 130:7, 132:1, 132:10, 132:24, 136:17, 138:24, 150:3, 206:7, 206:14, 230:7</p> <p>Counsel's - 193:20</p> <p>Counselor - 62:13, 134:6</p> <p>counting - 54:9</p> <p>couple - 106:13, 153:24, 163:24</p> <p>course - 47:14, 140:16, 165:20, 168:2, 184:6, 190:12, 199:6, 204:21, 204:23, 205:3, 207:2, 210:15</p> <p>court - 147:6</p> <p>Court - 129:8, 131:25, 132:5, 142:7</p> <p>cousins - 51:4</p> <p>covered - 139:1</p> <p>Cowhey - 44:12</p> |
|--|--|---|--|---|

| | | | | |
|--|--|---|--|--|
| <p>created - 49:5, 152:25 credibility - 84:13, 206:7 criminal - 92:8, 92:10, 92:11, 92:17, 93:5 Cross - 56:1, 104:8, 170:8, 207:13, 234:13, 235:9, 235:17 cross - 42:2, 128:14, 128:23, 132:18, 134:3, 134:19, 135:16, 135:18, 136:16, 137:9, 138:25, 141:6, 141:19, 142:22, 143:12, 182:10, 229:24 cross-examination - 128:14, 128:23, 134:3, 134:19, 135:18, 136:16, 137:9, 138:25, 142:22, 229:24 current - 71:20 custody - 8:9 cute - 114:9</p> | <p>75:18, 90:19 deciding - 51:7 decision - 77:12, 98:2 deck - 30:9, 120:8, 120:18, 120:20, 121:1, 121:4, 121:5, 140:24, 141:8, 141:17, 142:13, 145:9, 145:23 dedicated - 70:4 deem - 104:14 Degraw - 40:16 Deli - 50:24 delivered - 23:18, 72:23 demands - 231:13 denied - 137:24 department - 6:16, 6:17, 10:11, 12:24, 15:10, 19:25, 29:9, 31:17, 38:13, 39:20, 45:16, 53:21, 54:11, 54:18, 56:2, 56:8, 63:7, 63:20, 63:22, 68:20, 69:7, 69:12, 69:17, 76:18, 87:4, 88:22, 91:15, 92:15, 93:3, 95:10, 97:5, 105:4, 108:15, 111:17, 117:10, 118:5, 118:9, 118:11, 118:19, 119:2, 119:10, 126:19, 127:3, 128:1, 129:23, 130:16, 133:2, 140:6, 140:7, 147:2, 152:1, 153:3, 155:13, 166:19, 175:19, 175:23, 176:11, 177:2, 181:6, 182:5, 185:12, 190:24, 191:16, 192:6, 192:8, 192:11, 198:11, 199:22, 200:19, 210:20, 210:25, 211:11, 211:16, 212:3, 231:23 Department - 2:7, 7:17, 8:18, 9:17, 53:13, 85:20, 160:22, 165:3, 178:19, 179:2, 183:9 Department's - 7:6, 7:12, 7:24, 8:25, 9:12, 10:3, 11:8, 11:12, 11:15, 11:20, 14:9, 14:19, 14:21, 15:1, 15:25, 16:5, 16:7, 16:11, 17:4, 17:8, 17:10, 17:15, 17:20, 17:21, 18:2, 18:5, 19:19, 24:3, 31:21, 31:23, 32:2, 35:1, 40:19, 40:22, 41:1, 41:23, 47:22, 48:15, 48:17, 48:22, 49:16, 49:25, 50:7, 50:11, 52:23, 55:14, 114:24, 135:9, 137:5, 138:19, 139:16, 142:16, 149:16, 160:19, 169:15, 169:21, 179:9, 180:21, 180:23, 181:2, 181:24, 182:3, 192:22, 192:24, 193:2, 194:2, 200:1, 200:3, 200:6, 200:11, 200:15, 201:14,</p> | <p>202:11, 202:15, 202:17, 202:21, 203:10, 204:5, 204:9, 205:4, 233:7 departmental - 71:21, 92:5, 92:7, 92:9, 92:13, 92:14, 110:23, 184:13, 193:14 deposit - 177:1, 177:23 deposited - 136:19 Deputy - 2:14 describe - 194:17, 195:25 described - 154:13 Description - 233:2, 233:8 designated - 181:10 desk - 16:17, 30:20, 45:14, 48:10, 49:5, 49:8, 53:7, 53:9, 88:6, 110:24, 152:2, 155:24, 156:10, 157:12, 161:2, 211:5, 211:7, 211:9 Desk - 25:15, 25:18, 233:12 despite - 115:2 detail - 198:13 detailing - 31:17 details - 11:25, 188:17, 201:7, 201:9 Detective - 6:18, 6:20, 36:16, 36:18, 37:1, 37:17, 37:21, 38:2, 39:5, 39:10, 40:1, 40:6, 44:18, 51:20, 66:15, 88:9, 88:11, 88:14, 89:14, 90:23, 173:23, 175:7, 179:5, 179:6, 183:4, 183:6, 183:17, 183:18, 183:19, 193:1, 194:5, 198:2, 198:7, 198:17, 199:23, 200:5, 201:6, 202:4, 202:20, 202:25, 203:1, 203:4, 204:8, 205:24, 213:5, 229:9, 229:10, 233:21, 233:23, 233:25, 235:15, 235:17 Detectives - 7:1 determine - 13:13, 38:16, 57:17 determining - 68:4 dialed - 33:8, 33:11, 80:7 difference - 34:19, 44:8, 54:13, 162:25, 163:4, 163:11, 163:13 different - 54:8, 84:21, 90:13, 95:2, 99:10, 135:19, 181:11, 206:21 differently - 130:23, 130:25, 131:3, 131:5, 131:19, 132:20, 135:24, 136:1, 136:7, 136:8 digits - 33:18, 34:5, 34:24, 42:7 dire - 18:12, 22:4, 32:19 Dire - 18:14, 22:6, 32:21, 234:5, 234:9 Direct - 6:1, 8:19, 22:22, 35:4, 164:18,</p> | <p>178:12, 183:1, 234:3, 234:7, 234:11, 235:7, 235:13, 235:15 direct - 41:10, 57:23, 60:22, 62:6, 62:23, 68:4, 69:14, 71:19, 72:20, 75:18, 77:17, 77:21, 79:16, 86:25, 94:5, 100:3, 110:16, 111:12, 111:22, 114:9, 120:6, 139:2, 141:18, 142:23, 143:11, 177:1, 177:23, 182:12, 216:17, 218:5 direct-examination - 100:3, 110:16, 120:6, 139:2, 216:17 directed - 25:10, 25:18, 30:20, 31:16, 36:19, 37:18, 38:10, 45:13, 52:16, 54:5, 59:21, 59:23, 61:2, 63:14, 68:13, 77:14, 79:18, 82:21, 82:23, 88:16, 108:25, 115:17, 115:20, 115:23, 136:9, 147:13, 148:7, 170:18, 171:14, 184:13, 185:24, 193:9, 207:16 Directed - 88:11 direction - 39:19, 45:14, 56:14, 63:20, 134:17, 134:21, 139:17, 139:25, 185:10 directions - 90:23 directive - 25:24, 26:2, 56:16, 56:24, 61:4, 63:24, 64:12, 64:17, 104:10, 104:16, 105:16, 118:22, 171:20, 222:8, 231:2 directives - 31:15 directly - 139:1, 199:20 Directly - 108:18 disability - 154:19, 154:25, 155:5, 155:10, 155:14, 156:12, 157:14, 157:15, 157:20, 158:8, 159:13, 159:18 disabled - 21:16, 158:7 disagreed - 67:20 disband - 141:20 Disciplinary - 1:2 disciplinary - 155:3, 174:5, 197:21, 231:8, 231:10 discipline - 115:6, 129:23, 130:13, 130:15, 131:14, 131:21, 133:17, 136:13, 138:9, 148:17, 148:23, 201:21 disciplined - 115:21 discovery - 98:25, 103:13, 103:15, 231:8 discriminate - 131:6, 131:7 discuss - 46:8, 54:23, 75:6, 75:8 discussed - 136:15 discussion - 8:16,</p> | <p>124:15, 164:10, 178:6, 182:21, 207:11, 231:4 discussions - 22:23, 52:6 disregard - 45:9, 129:7 disregarded - 222:1, 222:10 distort - 151:9, 151:10 distribute - 72:7, 180:15 distributed - 10:10 Distribution - 8:19 divergence - 206:6, 206:10 Divernieri - 180:15 Division - 6:19, 6:25, 183:17, 183:19, 213:5 doctor - 19:8, 19:10, 19:13, 19:22, 23:2 doctor's - 17:9, 70:8, 73:2, 112:18, 112:20, 112:23, 112:25, 153:6, 153:7 document - 7:8, 7:11, 7:13, 7:23, 8:22, 9:1, 9:4, 9:7, 9:13, 10:3, 10:8, 11:19, 11:21, 12:5, 12:13, 12:18, 13:2, 14:18, 14:25, 15:4, 15:11, 16:4, 16:10, 16:13, 17:14, 18:7, 19:16, 21:14, 31:20, 31:25, 32:4, 32:6, 40:25, 41:4, 41:11, 48:21, 48:23, 49:1, 50:10, 103:16, 106:8, 106:14, 107:2, 107:19, 114:1, 114:4, 120:15, 135:11, 135:14, 137:6, 137:15, 142:17, 151:5, 151:19, 156:17, 156:21, 156:23, 156:24, 160:21, 161:1, 162:9, 163:15, 169:17, 169:23, 174:22, 179:15, 180:6, 180:11, 180:20, 180:22, 181:1, 181:3, 181:13, 182:2, 192:23, 193:4, 193:19, 193:23, 193:25, 200:2, 200:8, 202:24, 203:2, 205:3, 205:11, 205:19, 205:23, 206:3, 206:4, 220:12, 225:14 documentation - 83:14 documents - 21:10, 47:16, 48:5, 48:14, 49:9, 49:17, 49:21, 84:20, 102:25, 124:14, 179:11, 191:24, 231:5 dogs - 29:18, 89:23 Dogs - 38:23 done - 13:23, 55:5, 65:16, 93:5, 132:13, 185:17, 203:5, 220:21, 221:19 door - 29:19, 30:23, 66:19, 86:6, 142:11,</p> |
| D | | | | |
| <p>D1 - 159:1 damage - 55:4, 132:11 damages - 132:7 dark - 188:21, 195:5 date - 5:5, 9:6, 9:9, 9:24, 11:17, 14:23, 15:8, 15:10, 16:8, 16:20, 17:12, 21:10, 21:13, 24:9, 24:20, 24:23, 25:5, 31:24, 32:11, 35:6, 40:23, 48:19, 66:9, 95:2, 107:21, 112:23, 113:5, 114:14, 153:7, 153:8, 170:1, 170:17, 179:19, 179:22, 179:24, 180:5, 180:8, 180:24, 182:5, 192:25, 193:18, 194:6, 200:4, 202:19 dated - 3:12, 11:25, 12:15, 112:25, 233:4, 233:10, 233:13, 233:24 Dated - 1:3, 8:20 dates - 146:7, 161:25 day's - 148:15, 148:18, 149:3 days - 9:25, 65:17, 78:15, 115:7, 131:10, 136:4, 139:23, 152:20 deal - 112:6, 129:13 dealership - 43:10, 43:13, 43:16, 45:17, 191:4, 191:7, 191:9, 191:12, 191:13, 192:2, 213:9, 219:16, 224:9, 227:9, 227:23, 228:18, 228:23 Dealership - 191:17, 191:20 dealing - 138:4 December - 3:4, 3:13 decide - 76:21, 103:25, 132:5, 132:6 decided - 75:4,</p> | | | | |

Proceedings

353

| | | | | |
|--|--|--|--|---|
| 167:14, 187:13, 187:18, 196:5, 196:14, 197:20, 214:17, 214:19, 214:24, 215:1, 215:14 doorbell - 29:15, 29:17, 29:20, 29:24, 85:5, 89:23, 119:25, 121:12, 121:16, 121:18, 142:14, 145:10 Dorre - 70:13, 70:20, 74:24, 129:22, 131:19, 131:21, 132:16, 133:16, 135:20 Dorre's - 72:12 doubt - 70:7, 71:12, 145:23 down - 51:1, 66:18, 106:2, 107:24, 112:9, 113:18, 119:23, 121:6, 122:2, 143:10, 144:13, 151:15, 163:2, 163:5, 188:16, 205:5, 224:8, 224:13 Downey - 5:12, 147:17, 173:23, 175:7, 176:10, 178:15, 182:17, 230:19, 232:16, 235:13 downloaded - 171:24 Dr - 17:24, 19:3, 23:13, 23:16, 233:14 drafted - 154:9, 158:12, 163:13 drafting - 13:11 dressings - 26:20 drive - 29:9, 90:15, 128:10, 228:14 driveway - 30:18, 30:23, 35:19, 36:4, 36:7, 38:11, 51:20, 80:25, 86:6, 86:22, 87:8, 87:16, 87:19, 88:1, 90:8, 187:3, 188:10, 188:12 driving - 51:9, 51:17, 188:14 drop - 21:9, 189:5 dropped - 51:16, 191:5, 219:15 Drove - 35:15 drove - 51:11, 186:24, 190:23, 195:4 due - 21:10, 21:11 duly - 5:23, 164:14, 178:8, 182:23 During - 47:14, 50:18, 140:21, 161:13, 165:20, 184:6, 204:21 during - 29:7, 38:19, 48:6, 49:10, 49:18, 52:18, 52:24, 53:14, 55:12, 73:13, 74:2, 78:17, 117:18, 124:9, 124:15, 168:2, 175:14, 181:12, 189:21, 190:3, 190:12, 199:6, 204:11, 204:23, 207:2, 213:14, 218:6 duties - 6:22, 25:14, 143:16, 165:8, 183:19 Duties - 7:18 duty - 29:7, 52:19, 87:24, 119:11, 153:2, | 158:11, 158:16, 158:21, 159:11, 212:19, 213:14 E e-mail - 31:16, 31:22, 32:9, 32:23, 33:2, 33:5, 63:21, 69:10, 69:11, 69:12, 69:13, 76:1, 83:12, 83:17, 83:23, 84:6, 94:2, 104:25, 105:19, 105:20, 108:10, 166:7, 166:24, 168:21, 168:25, 169:11, 233:15 e-mails - 25:12, 56:10, 57:9, 57:12, 57:13, 57:14, 68:10, 68:14, 68:21, 68:22, 69:15, 71:17, 71:20, 75:19, 94:3, 94:9, 104:24, 105:7, 105:12, 109:18, 110:18, 110:23, 140:7, 171:7, 171:20, 171:21, 171:24, 172:2, 172:6, 172:8 early - 70:9, 73:2, 153:1 Eastchester - 3:25, 28:6, 29:1, 29:2, 50:25, 51:18, 126:14, 126:18, 126:19, 126:24, 127:2, 127:4, 127:23, 128:3, 186:4, 186:13, 212:11, 213:22 eat - 52:4, 52:8, 52:18 economic - 99:3 effect - 15:15, 175:1, 176:6, 217:2, 217:9, 221:4 efforts - 232:16 Eighth - 112:9 either - 21:8, 44:10, 49:6, 56:4, 59:15, 73:2, 95:12, 98:23, 111:10, 113:5, 113:12, 197:2, 201:23 Either - 23:18, 209:25 elaborate - 190:8 elapsed - 186:18 electronic - 25:12, 199:22, 200:12, 200:17, 202:16, 203:3, 233:23, 233:25 elephant - 45:9 eleven - 81:4 elicited - 114:9 eliciting - 43:19 Elmsford - 2:18 eloquently - 132:1 elsewhere - 90:10 embodies - 154:18 embodying - 104:22 emergency - 53:13 employed - 6:3, 165:2, 178:17, 183:7, 183:10 employee - 92:4, 155:17 emptied - 63:23, 64:19, 64:20, 77:10 empty - 56:5, 61:14, 63:21, 67:13, 69:19, | 77:14, 77:18, 104:12, 110:17, 111:1, 111:6, 111:19, 122:9, 122:14 emptying - 97:23 en - 128:2 encompasses - 165:15 end - 8:4, 190:18, 190:21, 199:13, 203:18, 207:1 ended - 8:8, 93:22 ending - 153:8 engaged - 189:2 enhanced - 136:18 ensure - 30:8, 57:2, 145:22 entered - 179:22, 179:25, 190:23, 193:9, 194:7 entire - 58:18, 69:11, 231:22 entirety - 81:12 entitled - 8:19, 103:12, 103:14, 114:18, 130:25, 131:18, 132:19, 135:23, 143:20, 157:2 entrance - 214:22 equal - 160:3 error - 13:9 errors - 156:16, 156:22 Esposito - 51:5 Esq - 2:4, 2:8, 2:9, 2:19 Esqs - 2:2 essentially - 205:7 establish - 53:17 established - 197:14 Establishing - 150:19 estimate - 74:23, 75:3 etc - 152:3, 158:5 etched - 145:19 Eugene - 164:21 evaluation - 21:17 evening - 44:1, 164:24, 164:25, 180:17, 197:14, 200:18, 201:5, 232:21 event - 28:10, 145:19 events - 75:9, 75:12, 114:16, 131:13, 138:1, 146:2, 201:18, 201:22 evidence - 7:11, 10:23, 11:10, 12:3, 13:6, 14:6, 14:8, 14:11, 15:20, 15:24, 16:2, 16:24, 17:3, 17:6, 18:10, 20:9, 22:1, 23:5, 23:21, 23:23, 24:2, 24:5, 32:16, 33:15, 35:3, 41:18, 41:22, 41:25, 47:22, 49:17, 50:3, 50:6, 50:9, 50:11, 113:17, 114:21, 114:23, 118:25, 119:17, 127:18, 130:9, 138:8, 141:20, 141:24, 142:1, 142:4, 154:10, 162:10, 163:13, 174:21, 179:10, 180:3, 181:17, 181:19, 181:23, 182:1, 182:2, | 193:20, 193:23, 194:1, 194:4, 201:15, 202:10, 202:13, 203:11, 204:4, 204:7, 205:14, 205:20, 206:4 evident - 13:22 exact - 111:16, 111:21, 122:24, 139:13, 152:7, 166:22, 217:14 exactly - 50:22 Examination - 6:1, 22:22, 35:4, 56:1, 104:8, 129:19, 144:10, 149:21, 154:8, 160:17, 161:23, 164:18, 170:8, 177:21, 178:12, 183:1, 207:13, 234:2, 234:3, 234:5, 234:7, 234:9, 234:11, 234:13, 234:15, 234:17, 234:19, 234:21, 234:23, 235:2, 235:3, 235:5, 235:7, 235:9, 235:11, 235:13, 235:15, 235:17 examination - 100:3, 110:16, 120:6, 128:14, 128:23, 134:3, 134:19, 135:18, 136:16, 137:9, 138:25, 139:2, 141:19, 142:22, 216:17, 229:24 examine - 81:18, 131:3 examined - 5:25, 164:16, 178:10, 182:25 except - 53:13 Except - 110:20 exception - 15:16 excess - 25:4 excited - 141:15 exciting - 144:9 excuse - 46:14, 84:3, 129:6, 135:21, 200:14, 230:12 Excuse - 24:21, 44:24, 45:6, 156:1, 172:20, 205:13, 216:13, 222:19 Exhibit - 3:15, 4:4, 4:10, 4:12, 5:4, 7:7, 7:12, 7:25, 8:18, 8:25, 9:12, 10:13, 11:8, 11:13, 11:16, 11:20, 14:9, 14:19, 14:22, 15:1, 15:25, 16:5, 16:7, 16:11, 17:4, 17:8, 17:11, 17:16, 17:21, 18:2, 18:5, 18:16, 18:22, 19:1, 19:19, 20:3, 24:3, 24:7, 28:3, 28:5, 31:21, 31:23, 32:2, 35:1, 40:19, 40:22, 41:1, 41:23, 47:22, 48:15, 48:18, 48:22, 49:16, 49:25, 50:7, 50:11, 52:23, 55:15, 107:17, 107:20, 113:16, 114:24, 118:25, 135:10, 136:14, 137:5, 138:19, 139:16, 142:16, 149:16, 149:23, 150:17, | 160:19, 169:15, 169:20, 169:21, 174:21, 179:9, 179:14, 180:3, 180:21, 180:23, 181:2, 181:24, 192:22, 192:24, 193:2, 194:2, 200:1, 200:3, 200:6, 200:11, 200:15, 201:14, 202:11, 202:15, 202:18, 202:21, 203:10, 204:5, 204:9, 205:4 exhibit - 4:20, 4:25, 8:5, 193:5, 225:25 Exhibits - 233:2, 233:8 existent - 125:7 exists - 20:4 exited - 189:1, 214:16 expect - 79:22 expected - 96:13, 126:20 experienced - 51:10 explain - 34:13 explained - 46:8, 121:15 express - 224:12 extended - 56:14, 57:1, 70:13, 78:5, 129:21, 152:21, 153:5 extent - 33:18 exterior - 120:12 extremely - 131:2 eye - 136:10, 149:15 F face - 113:21, 130:4, 154:13 faced - 121:7 facing - 188:10 fact - 18:3, 18:19, 19:6, 19:12, 20:3, 37:21, 43:7, 51:11, 66:13, 114:8, 115:11, 116:1, 161:4, 197:13, 201:10, 208:4, 209:2, 218:17, 221:9, 223:8, 224:24 facts - 130:21, 149:1 factual - 171:8, 171:17, 172:11, 208:6, 208:11 failed - 103:6, 158:13 failure - 158:6 Fair - 107:16 fair - 84:7, 84:12, 133:9, 138:11 fair-haired - 133:9, 138:11 fall - 163:2, 163:5 False - 133:7 familiar - 7:13, 18:21, 144:2, 144:17 far - 98:4, 98:6, 168:22, 215:14 fax - 21:9, 23:18 fear - 224:12 feature - 89:4 February - 4:6 Federal - 131:25, 132:4, 142:7 feet - 215:16 felt - 93:4 few - 65:8, 129:18, |
|--|--|--|--|---|

| | | | | |
|--|---|---|--|--|
| <p>191:18 fifth - 60:24, 62:3, 109:3 fifths - 113:18 fight - 129:8 figured - 99:5 file - 13:3, 32:18, 81:6, 81:15, 95:18, 95:21, 96:1, 99:15, 99:22, 100:4, 100:8, 100:20, 101:7, 101:9, 101:12, 101:19, 101:24, 102:1, 102:5, 102:12, 102:16, 126:19, 128:1, 158:16 filed - 133:7, 162:16 filing - 95:21 fill - 59:2, 71:13, 73:15, 73:19, 73:21, 73:24, 74:3, 157:18, 192:16, 192:18 filling - 159:16 fills - 58:18, 58:24 findings - 199:21, 199:24 Fine - 34:3, 82:8, 104:2, 116:15, 129:15, 144:17, 220:16 fine - 129:11, 229:22 finish - 20:25, 48:3, 157:2 finished - 20:20, 185:14 First - 201:13 first - 3:4, 5:8, 5:23, 7:19, 12:22, 29:13, 53:12, 58:1, 58:8, 58:11, 59:6, 60:6, 79:14, 81:2, 89:22, 106:13, 113:18, 120:6, 122:3, 128:1, 136:19, 138:2, 154:14, 164:14, 167:18, 178:8, 182:23, 202:25, 207:14, 213:19, 229:20 firsthand - 146:23 five - 25:23, 57:25, 61:3, 61:9, 61:14, 61:22, 61:24, 78:15, 101:9, 101:11, 109:18, 121:7, 186:21, 192:3 Five - 29:10, 43:11, 93:19 Florida - 127:20 focused - 135:19 folks - 132:5, 230:5 follow - 53:18, 101:16, 115:17, 115:20, 115:24, 125:14, 150:20, 153:25, 154:23, 163:25, 163:29, 183:20, 184:19, 196:16, 220:24 Follow - 164:1 follow-up - 101:16, 150:20, 153:25, 154:23, 163:25, 183:20, 196:16, 220:24 Follow-up - 164:1 followed - 147:3 Following - 25:24, 30:24, 36:25, 38:14, 39:25, 43:12, 121:9,</p> | <p>139:24 following - 46:19, 78:22, 105:16, 115:22, 152:6, 193:17, 194:9, 201:4, 201:5, 203:6 follows - 5:25, 113:24, 117:11, 164:17, 178:11, 182:25 food - 52:18 force - 146:15, 160:3 forfeit - 54:25, 139:15 forfeited - 115:7 forfeiting - 136:3, 148:17 forgot - 117:5, 154:18, 159:8, 216:16 form - 23:6, 24:25, 29:24, 61:8, 95:22, 189:24, 196:11 Form - 150:19 forum - 99:10, 142:6 forward - 138:13 foundation - 19:16, 19:17, 22:18, 64:5, 140:11 four - 15:17, 33:18, 34:4, 34:24, 42:7, 58:16, 58:19, 58:22, 58:24, 59:1, 59:4, 59:11, 71:12, 71:23, 73:14, 74:4, 74:11, 183:16 four-and-a-half - 183:16 fourth - 60:12, 60:15, 60:18, 60:21, 62:2 frailty - 139:7 frame - 51:4 Franklin - 2:7 fraudulent - 20:1 free - 98:25 Friday - 122:5, 122:6, 201:5 friend - 51:2, 51:4 front - 30:9, 30:22, 86:6, 145:10, 167:14, 187:13, 196:6, 214:21, 215:1, 220:7 fruitless - 203:12 full - 24:17, 57:6, 57:8, 57:18, 58:11, 58:16, 59:9, 62:20, 62:23, 62:25, 63:4, 63:10, 63:13, 71:25, 72:13, 72:19, 73:8, 97:18, 97:22, 122:14, 122:18 function - 7:2 furnish - 101:23 future - 139:19</p> | <p>235:17 Gallo's - 233:21, 233:23, 233:25 game - 129:10 Garden - 2:8 Garrity - 91:23, 92:2, 92:3, 92:15, 92:18, 93:9, 93:12, 110:6, 110:11 general - 226:21 generally - 166:20, 231:14 generate - 85:22, 85:24 generated - 16:18, 16:21, 21:14, 200:18 generic - 226:25, 227:5 George - 51:6 Giovanni - 51:3 Giovanni's - 51:1 girlfriend - 51:25 given - 9:18, 9:20, 28:8, 56:17, 56:18, 56:21, 93:9, 104:16, 174:21, 195:8, 208:13, 209:9 glad - 139:6 Glenn - 2:14 Gould - 2:2 govern - 152:19 governing - 123:20, 175:23 governs - 56:3, 152:25 great - 116:3 Grounds - 61:7 group - 69:10 guaranteed - 92:14 guess - 133:4, 136:22, 150:25, 152:9, 205:16 Guess - 133:5, 143:10, 230:5 guidance - 84:22 guilt - 13:14 guy - 136:10 guys - 55:10</p> | <p>167:11, 168:4, 168:6, 170:12, 171:6, 172:6, 172:8, 212:20 hear - 21:1, 142:14, 172:2, 199:11, 215:8, 215:11 heard - 82:12, 89:6, 102:14, 102:20, 114:22 hearing - 3:2, 8:4, 34:15, 36:1, 45:11, 46:14, 62:12, 98:23, 102:24, 103:13, 103:14, 136:20, 142:1, 215:10, 215:13, 231:21, 231:24 hearsay - 26:7, 26:11, 26:19, 31:5, 37:4, 38:5, 39:12, 42:12, 42:21, 43:19, 45:7 Heights - 51:18, 189:7, 227:13 held - 6:15, 129:9, 178:22, 179:1 help - 142:2 helpful - 84:23 herein - 5:23, 154:23, 164:14, 178:8, 182:23 hibernation - 99:1 himself - 83:6, 137:25, 138:7 hint - 173:1 history - 20:19, 130:15 Hitsman - 2:17 Hoffman - 2:17 Hold - 102:19, 137:11 holding - 10:3 home - 4:22, 25:11, 27:19, 27:20, 27:24, 29:7, 29:9, 29:12, 29:18, 30:8, 30:21, 31:18, 36:13, 37:20, 38:11, 38:12, 39:18, 39:22, 44:22, 45:13, 46:9, 48:11, 49:7, 50:23, 51:19, 52:4, 52:7, 52:13, 52:15, 52:18, 52:20, 53:14, 53:22, 66:16, 66:20, 72:23, 75:24, 79:25, 80:13, 80:17, 80:18, 84:5, 84:9, 86:24, 90:16, 90:20, 90:23, 90:24, 94:17, 105:18, 108:4, 108:12, 108:25, 109:6, 109:16, 109:21, 109:23, 109:24, 117:18, 118:7, 118:12, 118:20, 119:3, 119:12, 119:20, 126:8, 126:11, 126:14, 126:16, 127:9, 127:10, 127:13, 127:14, 127:20, 128:3, 131:11, 133:21, 134:20, 140:4, 140:22, 142:11, 142:14, 146:5, 146:16, 146:21, 147:7, 147:24, 148:20, 149:3, 149:6, 174:8, 174:11, 175:2,</p> | <p>175:24, 176:5, 176:10, 187:15, 187:23, 188:4, 188:6, 188:24, 190:4, 190:7, 194:15, 195:15, 196:4, 196:5, 196:8, 197:4, 198:23, 198:25, 199:5, 199:9, 199:10, 200:25, 205:6, 207:1, 207:20, 207:24, 208:8, 215:4, 215:21, 215:24, 217:22, 218:4, 218:25, 221:4, 224:22, 227:1, 228:15 honest - 70:4 honor - 230:8 hope - 103:4 hour - 35:10, 38:20, 80:16, 80:23, 87:9, 88:2, 89:19, 90:3, 90:4, 90:7, 167:20, 188:9, 216:2, 231:17 hour-and-a-half - 35:10, 80:16, 80:23, 87:9, 88:2, 89:19, 90:3, 90:4, 90:7, 231:17 hours - 14:15, 65:12, 109:3, 121:18, 121:20, 181:8, 181:11, 228:8 house - 21:15, 29:3, 30:10, 30:15, 37:16, 53:7, 54:12, 66:13, 80:15, 81:2, 85:2, 85:3, 85:9, 119:25, 127:5, 127:7, 127:15, 141:8, 195:5, 196:7, 201:8, 214:22, 216:15, 220:22, 223:21, 223:22, 223:24, 226:15, 226:23, 228:4, 228:5, 228:9, 228:22 household - 120:13</p> |
| | | <p>H</p> <p>haired - 133:9, 138:11 half - 35:10, 80:16, 80:23, 87:9, 88:2, 89:19, 90:3, 90:4, 90:7, 167:20, 183:16, 188:9, 216:2, 231:17 halfway - 205:5 hallway - 231:16 handed - 7:8, 8:22, 16:13, 135:11, 137:6, 142:17, 169:17, 174:22, 179:11 handle - 139:18, 139:25 hands - 226:4 handwriting - 18:22, 19:5, 106:20 Handwritten - 233:14 handwritten - 17:24 hang - 36:22 hard - 70:4 Hartsdale - 1:24 he/she - 158:5 headquarters - 45:20, 45:24, 75:25, 82:22, 85:23, 110:22, 166:7, 166:24,</p> | | <p>I</p> <p>Id - 18:16, 18:22, 19:2, 20:4, 20:5, 22:7, 23:6, 28:3, 28:18, 33:2, 33:6, 107:5, 107:10, 107:15, 107:23, 233:2 Id/evd - 233:8 idea - 130:7, 170:16, 174:15, 226:21 identical - 54:24 identification - 3:14, 4:23, 5:1, 5:5, 7:24, 11:9, 11:12, 11:16, 11:20, 14:10, 14:19, 14:22, 15:1, 16:1, 16:5, 16:8, 16:11, 17:5, 17:11, 17:15, 24:4, 27:24, 28:12, 31:20, 31:24, 32:1, 35:2, 40:18, 40:23, 41:1, 41:24, 48:15, 48:18, 48:22, 50:8, 106:5, 107:18, 107:21, 180:20, 180:24, 181:2, 181:25, 192:25, 193:15, 194:3, 200:1, 200:4, 202:12, 202:18, 204:6 identified - 19:18,</p> |
| | <p>G</p> <p>Gallo - 36:16, 36:18, 36:23, 37:1, 37:5, 37:18, 37:21, 38:2, 39:6, 39:11, 40:1, 40:6, 44:18, 44:20, 51:20, 66:15, 88:9, 88:11, 88:14, 88:17, 88:20, 88:24, 89:14, 90:24, 183:4, 183:5, 183:6, 198:7, 205:24, 229:10, 235:15,</p> | | | |

| | | | | |
|---|--|---|---|--|
| <p>83:5 identify - 9:1, 9:13, 11:21, 12:13, 15:2, 16:12, 17:19, 32:6, 41:2, 48:23, 118:4, 169:21, 193:12, 200:10, 203:1 identifying - 12:5 ignore - 11:2 ignoring - 10:24 ilk - 84:17 ill - 127:8 illegally - 137:23 illness - 70:3, 70:10, 153:1 immediately - 89:22 impermissible - 12:8, 23:7, 26:22, 193:21 important - 110:10, 143:20 improper - 24:25, 135:16, 136:16, 137:9, 141:4, 142:23, 143:13, 189:24, 204:15, 205:14 in-house - 21:15 inaccurate - 223:2 inadvertent - 155:9, 155:19, 156:12, 157:14, 157:19, 157:25, 158:6, 158:23, 159:12 inadvertently - 155:14, 158:12, 159:8 inapposite - 201:21 Incident - 233:5 incident - 40:6, 98:16, 105:22, 106:1, 107:23, 109:2, 110:2, 110:21, 112:9, 119:22, 122:3, 202:3 Incidentally - 33:1, 81:5, 132:23, 212:14 inclined - 142:25 include - 156:12, 157:14, 158:7, 158:13 includes - 156:23 incoming - 85:22 inconvenience - 70:11 incorrect - 225:17 indelibly - 145:19 indicate - 55:13, 122:17, 181:13, 204:13 indicated - 42:3, 52:3, 65:19, 83:9, 124:24 Indicating - 49:23 indication - 58:21, 63:1, 63:18, 103:23 indirectly - 109:12, 109:14 individual - 18:19, 224:9 individuals - 73:6, 73:14, 74:12 individuals' - 71:23 indoors - 126:11 information - 27:15, 31:13, 61:21, 71:21, 102:25, 189:21 informed - 96:10, 96:11 initial - 131:14, 200:24 Injured - 163:1, 163:3 injured - 19:8, 52:8,</p> | <p>53:8, 53:10, 53:19, 53:22, 54:4, 54:5, 54:7, 54:8, 56:4, 56:9, 57:1, 65:22, 66:9, 67:25, 68:24, 69:20, 104:11, 112:11, 112:14, 112:19, 113:1, 113:4, 113:12, 114:12, 114:13, 115:1, 115:9, 117:19, 118:6, 119:8, 119:19, 126:25, 127:17, 149:7, 150:21, 150:25, 151:6, 151:17, 151:19, 152:4, 152:6, 152:10, 152:21, 152:23, 153:1, 153:10, 153:17, 158:1, 158:13, 158:24, 159:3, 159:8, 159:24, 160:4, 160:5, 160:8, 160:11, 161:2, 162:19, 162:23, 162:24, 163:5, 163:6, 163:7, 163:10, 173:12, 175:16, 175:23 injuries - 70:5, 151:20, 161:5, 161:8, 161:15 Injury - 50:17 injury - 20:16, 66:2, 66:3, 70:2, 70:3, 70:9, 70:22, 78:13, 78:19, 112:21, 151:23, 153:5, 153:11, 158:18, 162:6, 163:15 inquire - 136:5, 143:21 inquiring - 228:8 inside - 29:18 insist - 57:5 insists - 13:15, 13:16 instance - 151:25 instead - 67:3, 87:1 instruct - 186:8, 230:18 instructed - 187:14, 191:3, 196:3, 213:21, 217:21, 226:24 instruction - 226:25 instructions - 185:18, 185:20, 185:22, 187:16, 188:25, 190:5, 196:18, 215:23, 216:11, 220:19 intend - 5:11 intended - 155:4 interacting - 224:13 interaction - 214:15 interchangeable - 152:18 interested - 208:10, 214:23 interference - 116:6 Internal - 91:16, 91:17, 91:20, 95:11, 124:2 internal - 10:19 interpretation - 114:4 interrupt - 28:22, 82:1 interrupted - 157:5 interview - 46:15, 47:14, 48:6, 50:18, 95:1, 123:11, 123:25</p> | <p>interviewed - 123:22 investigating - 94:16, 138:21 investigation - 54:19, 90:10, 90:12, 90:21, 90:25, 92:5, 92:7, 92:8, 92:9, 92:11, 92:13, 93:5, 99:19, 99:21, 99:22, 213:1 Investigation - 91:16, 91:21, 95:12 investigations - 183:20, 213:4 Investigations - 124:2 investigative - 13:3, 81:6, 95:18, 95:21, 96:1, 99:15, 113:16 Investigator - 91:18 investigators - 92:17 involved - 147:20, 147:25, 148:3, 148:25, 212:25, 213:3 irrelevance - 20:3 irrelevant - 19:23, 116:4, 130:2, 131:24, 201:18 issue - 8:3, 36:18, 56:23, 138:3, 162:16, 197:13, 199:11 issued - 9:22, 9:23, 124:11, 171:10, 182:4 issues - 197:11 item - 157:22, 158:20, 159:5 itself - 114:2, 205:15, 205:20</p> | <p>55:13, 57:22, 62:2, 62:7, 63:13, 63:24, 64:14, 64:21, 65:1, 65:22, 66:12, 66:23, 67:2, 67:3, 67:4, 68:10, 68:23, 74:1, 75:9, 75:13, 76:20, 77:7, 77:13, 77:17, 77:20, 78:10, 78:11, 78:18, 78:23, 79:1, 79:12, 79:14, 92:19, 93:13, 93:16, 94:10, 94:12, 95:3, 97:20, 98:17, 112:11, 112:14, 112:21, 113:3, 113:6, 114:14, 114:16, 122:4, 122:6, 122:20, 123:2, 123:11, 124:9, 126:12, 127:22, 135:14, 140:22, 160:11, 165:11, 165:21, 166:2, 168:2, 169:7, 170:2, 170:10, 171:1, 183:23, 184:7, 194:13, 207:14, 212:18, 221:24, 222:6, 224:18, 233:11, 233:15 June - 78:22, 179:3, 179:4 jurisdiction - 91:12, 213:13 Jurisdiction - 213:8 jury - 132:6</p> | <p>188:14, 188:23, 189:3, 189:4, 189:8, 189:14, 190:2, 190:13, 191:5, 192:12, 194:21, 195:14, 195:20, 196:2, 196:20, 197:1, 197:6, 198:20, 199:19, 200:25, 204:12, 204:24, 205:2, 207:3, 207:17, 208:15, 209:10, 210:18, 212:1, 212:8, 213:1, 215:23, 216:7, 216:14, 216:24, 217:7, 217:22, 217:24, 220:20, 223:5, 223:8, 225:15, 226:21, 233:4 Kempkes - 27:18, 27:24, 29:12, 30:21, 36:6, 36:13, 37:13, 37:15, 38:4, 38:15, 38:17, 39:6, 39:11, 40:11, 43:17, 85:3, 89:2, 89:4, 91:10, 107:13, 108:3, 108:12, 109:6, 139:18, 139:25, 140:22, 143:17, 187:17, 194:14, 214:13 kept - 8:2, 54:17, 98:24, 113:1, 119:14 kind - 19:23, 35:16, 50:13, 201:3, 214:15 King - 2:6 knock - 66:18, 214:24 knocked - 187:14, 214:21, 215:6, 215:9, 215:15 knowing - 34:12 knowledge - 18:24, 22:15, 89:19, 99:16, 130:11, 134:25, 146:23, 175:19 known - 104:9 knows - 103:14 Kurtz - 2:9, 4:6, 17:20, 106:22, 164:3, 164:18, 166:1, 169:14, 170:4, 176:18, 176:19, 183:1, 193:22, 197:17, 199:25, 200:14, 201:13, 202:1, 203:9, 203:20, 205:19, 206:9, 207:6, 229:2, 229:3, 235:8, 235:16</p> |
| K | | | | |
| <p>kangaroo - 142:6 keep - 19:8, 48:9, 136:9, 148:24, 149:14 keeping - 130:22 Kempkes - 1:7, 2:2, 3:12, 3:22, 3:25, 5:12, 19:22, 20:15, 22:24, 23:2, 23:5, 23:13, 24:7, 24:16, 25:19, 25:25, 30:11, 30:17, 35:8, 35:14, 36:20, 38:12, 39:18, 43:4, 43:5, 44:22, 45:13, 45:15, 45:25, 46:4, 46:12, 46:21, 47:6, 47:15, 47:25, 49:10, 49:19, 50:19, 52:1, 52:6, 52:13, 52:25, 53:21, 65:21, 67:15, 68:10, 75:24, 76:3, 86:5, 86:24, 88:12, 92:22, 96:12, 96:14, 101:3, 108:24, 108:25, 109:16, 109:22, 110:17, 110:22, 112:10, 115:3, 124:24, 126:7, 131:20, 135:22, 138:21, 139:14, 142:11, 146:5, 149:15, 161:5, 165:22, 166:6, 166:11, 166:15, 167:13, 167:22, 168:1, 168:3, 168:9, 168:12, 168:20, 170:10, 177:22, 181:14, 184:15, 184:17, 184:22, 185:6, 185:11, 185:25, 187:9, 188:4, 188:5, 188:11,</p> | | | | |
| J | | | | |
| <p>James - 17:25, 233:14 January - 1:9, 94:8, 230:20, 230:21 job - 6:13, 66:1, 66:3, 66:8, 67:1, 67:25, 68:24, 69:20, 70:2, 70:4, 70:22, 78:12, 78:19, 87:17, 90:5, 90:6, 90:8, 91:13, 117:19, 118:6, 119:8, 119:19, 126:24, 149:7, 158:18, 158:24, 159:3, 159:8, 159:24, 160:3, 160:5, 161:14, 161:15, 162:1, 162:6, 162:19, 162:23, 163:7, 163:11, 163:15, 175:16 jog - 105:21, 173:17 jogs - 105:25, 120:11, 225:10 John - 2:19, 40:16 joined - 6:17 joking - 164:3 Jonathan - 2:4 Joseph - 47:7 Jr - 2:15 Judge - 44:12 July - 7:3, 12:21, 14:13, 15:15, 24:15, 25:5, 25:8, 25:17, 27:18, 29:12, 32:13, 46:24, 48:1, 49:10, 50:19, 50:21, 52:6, 52:25, 53:20, 54:13,</p> | | | | |
| L | | | | |
| <p>lack - 147:24 last - 4:5, 8:3, 8:4, 13:12, 24:16, 27:10, 33:18, 34:24, 42:7, 65:5, 66:6, 78:25, 101:1, 117:6, 122:3, 134:15, 138:4, 154:22, 163:18, 173:9, 175:10, 177:19, 183:16, 198:3, 198:8 lasted - 97:9 late - 24:10, 188:21 law - 103:11, 139:6 lawn - 195:6 lawyer - 173:4</p> | | | | |

| | | | |
|--|---|--|---|
| <p>leading - 43:18, 49:12, 55:16, 133:23, 133:25, 138:22, 139:3, 161:9, 165:23, 189:10, 189:15, 204:16, 205:13</p> <p>learn - 66:17, 96:25, 97:3, 146:25</p> <p>learned - 230:7</p> <p>least - 33:17, 125:6, 143:15</p> <p>Leave - 154:14, 160:23, 211:1</p> <p>leave - 9:16, 10:10, 28:6, 46:10, 47:19, 48:16, 49:4, 49:7, 49:23, 50:12, 50:14, 51:7, 52:14, 52:16, 52:20, 53:3, 53:14, 54:23, 69:20, 82:21, 87:14, 94:17, 110:8, 113:15, 116:19, 125:17, 127:18, 129:24, 131:8, 133:22, 134:25, 137:23, 138:6, 153:11, 154:22, 154:25, 155:2, 155:5, 155:17, 157:18, 158:4, 158:16, 159:2, 159:6, 159:11, 159:16, 159:21, 160:24, 161:25, 162:2, 163:14, 174:18, 180:16, 182:4, 184:25, 185:2, 185:7, 187:23, 191:16, 199:22, 211:8, 211:21, 218:6, 233:18</p> <p>leaving - 36:5, 36:11, 38:15, 38:18, 48:11, 49:8, 50:25, 52:7, 53:10, 53:22, 54:12, 126:14, 158:5, 180:17, 185:14</p> <p>led - 144:8</p> <p>leeway - 139:3</p> <p>left - 27:13, 31:12, 37:10, 37:18, 38:24, 38:25, 41:11, 42:4, 43:15, 45:17, 50:23, 52:4, 52:15, 53:7, 66:13, 82:17, 82:20, 82:24, 83:1, 83:10, 84:25, 86:17, 89:11, 105:16, 108:2, 109:5, 110:2, 155:14, 166:13, 167:11, 167:15, 167:21, 187:21, 192:4, 211:10, 212:6, 214:18, 223:20, 223:22, 223:23, 226:14</p> <p>legal - 136:18, 136:22, 138:24</p> <p>legitimate - 19:9, 19:25, 70:6</p> <p>length - 103:5</p> <p>less - 28:17, 84:11</p> <p>letter - 3:12, 3:14, 3:21, 5:3, 19:18, 21:19, 22:15, 22:24</p> <p>Letter - 233:3</p> <p>letters - 23:1, 23:12, 23:15</p> <p>Library - 1:8</p> <p>license - 188:18</p> <p>Lieutenant - 5:13, 5:20, 6:2, 6:6, 6:8, 6:10, 6:11, 6:21, 6:23, 7:10, 8:24, 11:18, 12:13, 14:12, 14:24, 16:9, 17:13, 20:14, 21:21, 21:24, 24:6, 25:7, 26:12, 32:1, 35:6, 40:24, 42:24, 44:17, 45:1, 48:20, 56:19, 56:22, 64:13, 69:25, 80:14, 81:19, 84:6, 84:24, 91:8, 106:4, 107:22, 116:6, 116:25, 128:15, 129:3, 129:20, 133:6, 133:11, 135:13, 136:9, 137:10, 144:4, 144:11, 149:13, 150:13, 152:16, 152:17, 153:16, 160:25, 161:24, 164:4, 165:21, 166:3, 166:5, 167:2, 167:4, 167:8, 167:10, 167:18, 167:22, 167:24, 168:8, 168:14, 168:18, 168:23, 169:25, 170:11, 176:22, 179:7, 180:13, 184:8, 184:12, 185:10, 185:16, 185:20, 185:24, 186:16, 186:19, 187:4, 187:5, 187:10, 187:21, 189:1, 190:6, 190:24, 191:2, 191:3, 191:6, 191:16, 191:21, 191:23, 191:25, 192:15, 193:9, 198:12, 198:17, 208:14, 210:2, 210:15, 212:5, 212:13, 214:15, 216:13, 216:21, 216:23, 217:6, 217:15, 218:8, 219:1, 219:7, 220:19, 221:22, 223:4, 226:20, 226:24, 230:19, 232:8, 232:17, 234:3, 234:5, 234:7, 234:9, 234:11, 234:13, 234:15, 234:17, 234:19, 234:21, 234:23, 235:3, 235:5</p> <p>Lieutenant's - 100:3, 102:23, 190:16, 214:8, 216:10</p> <p>lighting - 102:4</p> <p>limited - 27:23, 134:20</p> <p>line - 32:23, 86:1, 107:24, 109:3, 110:20, 112:9, 119:1, 119:23, 145:5, 193:11, 194:5</p> <p>lines - 106:2, 119:1, 134:8</p> <p>lips - 44:11</p> <p>List - 8:19</p> <p>list - 97:8</p> <p>listed - 114:3, 117:13, 209:8</p> <p>listen - 45:2, 70:8, 171:21, 172:4, 205:6, 207:1</p> <p>listened - 171:23</p> <p>listening - 151:12</p> | <p>litigate - 131:25</p> <p>litigation - 148:14</p> <p>lived - 115:12</p> <p>lives - 126:18, 127:2, 127:3</p> <p>Llc - 2:17</p> <p>loaner - 51:16</p> <p>locate - 91:1</p> <p>located - 121:4, 186:3, 186:12</p> <p>location - 90:13, 187:21, 226:22, 227:15, 230:24</p> <p>log - 16:6, 16:18, 233:13</p> <p>logs - 48:9, 48:16, 49:5, 49:23, 119:14, 233:19</p> <p>long-term - 20:15, 70:3</p> <p>look - 5:9, 8:25, 11:19, 14:25, 16:10, 17:14, 18:1, 31:25, 40:25, 48:21, 59:12, 59:14, 79:2, 84:19, 100:19, 102:2, 107:22, 111:14, 111:19, 113:16, 120:10, 122:2, 122:8, 133:2, 157:17, 158:10, 158:20, 161:24, 170:19, 171:1, 179:13, 180:2, 180:25, 193:11, 204:8, 209:9, 210:16, 220:8, 225:8</p> <p>looked - 67:4, 79:9</p> <p>looking - 57:19, 77:19, 106:4, 152:15, 225:23</p> <p>looks - 10:14, 102:4, 157:7</p> <p>losing - 148:15, 148:17</p> <p>lost - 25:1, 149:3</p> <p>loud - 67:7</p> <p>lousy - 136:22</p> <p>Lovett - 2:2, 2:4, 3:19, 4:1, 4:18, 5:2, 5:18, 5:19, 8:10, 8:13, 11:1, 12:2, 12:6, 13:8, 13:19, 15:22, 17:1, 18:12, 18:14, 19:15, 20:2, 20:17, 20:22, 21:5, 22:2, 22:6, 22:17, 23:4, 24:18, 24:22, 25:2, 26:6, 26:17, 28:1, 28:7, 28:13, 28:16, 29:23, 30:2, 31:4, 32:19, 32:21, 33:13, 33:16, 33:21, 33:24, 34:6, 34:10, 34:19, 34:25, 35:20, 36:2, 37:4, 38:5, 39:12, 41:20, 42:11, 42:19, 42:25, 43:18, 43:24, 44:7, 44:14, 44:15, 44:20, 44:24, 45:6, 49:12, 50:4, 55:2, 55:16, 56:1, 61:10, 62:10, 62:12, 74:9, 81:11, 81:17, 81:21, 81:25, 82:8, 83:20, 84:10, 84:16, 84:22, 91:5, 95:23, 98:20, 99:8, 99:12, 99:18, 100:1, 101:4, 101:8, 101:14, 101:20, 102:2, 102:11, 102:16,</p> | <p>103:10, 103:21, 104:2, 104:5, 104:8, 106:6, 106:15, 106:19, 106:24, 107:4, 107:9, 107:14, 110:15, 112:3, 112:6, 114:8, 115:2, 116:3, 116:13, 117:1, 117:2, 128:13, 129:1, 129:6, 129:15, 130:1, 131:23, 132:23, 133:23, 133:25, 134:5, 134:9, 134:11, 135:15, 136:14, 137:8, 137:19, 138:22, 139:5, 140:10, 140:16, 141:4, 141:14, 142:5, 142:21, 143:6, 143:9, 143:19, 144:8, 144:10, 145:7, 149:9, 149:21, 150:2, 151:8, 153:24, 154:4, 154:7, 154:8, 155:23, 156:3, 156:7, 156:18, 156:25, 157:3, 157:4, 160:13, 161:9, 161:23, 162:11, 162:13, 163:17, 163:24, 165:23, 170:6, 170:7, 170:8, 172:1, 172:20, 172:25, 173:7, 174:20, 176:16, 177:18, 177:21, 177:25, 181:16, 181:20, 181:21, 182:9, 182:10, 186:2, 186:5, 186:11, 189:10, 189:15, 189:22, 193:19, 193:24, 197:10, 201:16, 203:12, 203:16, 204:13, 205:13, 206:1, 206:12, 206:20, 207:12, 207:13, 228:25, 229:11, 229:13, 229:16, 229:17, 230:2, 230:5, 230:25, 231:13, 231:21, 232:2, 232:10, 232:19, 234:6, 234:10, 234:14, 234:18, 234:22, 234:24, 235:6, 235:10, 235:12, 235:18</p> <p>Ltd - 1:21</p> <p>lunch - 52:16, 52:17</p> | <p>65:12, 65:15, 65:18, 65:20, 67:6, 68:7, 69:6, 69:10, 69:11, 69:12, 69:13, 72:8, 72:9, 72:22, 73:4, 73:11, 73:15, 73:18, 76:1, 76:23, 83:12, 83:17, 83:23, 84:6, 94:2, 104:25, 105:19, 105:20, 108:10, 110:23, 111:7, 111:20, 122:16, 122:18, 122:19, 122:24, 123:2, 166:7, 166:8, 166:24, 166:25, 168:21, 168:25, 169:11, 233:15</p> <p>mailbox - 21:12, 22:8, 23:19, 25:12, 56:5, 57:6, 57:8, 57:11, 57:17, 57:24, 58:11, 58:16, 58:17, 58:18, 58:24, 59:2, 59:5, 59:7, 59:8, 59:14, 59:24, 60:3, 60:20, 61:3, 61:14, 62:6, 62:7, 62:20, 62:21, 63:9, 63:13, 63:22, 63:24, 64:3, 64:6, 64:14, 64:18, 64:22, 65:2, 65:5, 65:9, 65:14, 65:18, 66:24, 67:5, 67:13, 67:15, 67:16, 67:20, 67:24, 68:5, 71:13, 72:9, 72:12, 72:19, 73:7, 73:11, 73:15, 73:20, 74:3, 75:5, 75:19, 75:25, 76:3, 76:22, 76:25, 77:6, 77:10, 77:14, 77:18, 78:22, 79:1, 79:10, 79:15, 93:23, 97:15, 97:18, 97:21, 104:12, 109:17, 110:18, 111:2, 111:6, 111:9, 111:13, 111:14, 111:20, 122:9, 122:12, 122:14, 123:6, 168:22, 168:25, 169:9, 169:12, 169:24, 170:19, 171:2, 171:5, 171:7, 171:10, 171:14, 177:7, 199:23, 200:13, 200:17, 200:22, 201:8, 201:11, 202:16, 203:4, 233:23, 233:25</p> <p>mailboxes - 69:19, 71:24, 73:24, 76:24, 176:25</p> <p>mails - 25:12, 56:10, 57:9, 57:12, 57:13, 57:14, 68:10, 68:14, 68:21, 68:22, 69:15, 71:17, 71:20, 75:19, 94:3, 94:9, 104:24, 105:7, 105:12, 109:18, 110:18, 110:23, 140:7, 171:7, 171:20, 171:21, 171:24, 172:2, 172:6, 172:8</p> <p>main - 211:1, 211:6</p> <p>major - 143:1</p> <p>majority - 177:4</p> <p>man - 24:10</p> |
|--|---|--|---|

M

machine - 27:14, 31:12, 82:11, 83:11, 85:1, 86:9, 86:10, 86:13, 86:17, 105:17, 108:3, 108:12, 109:5, 109:19, 166:13, 166:14, 167:7, 167:15, 211:9

machine's - 82:13

Macquisten - 40:8, 191:11, 224:5

Mail - 62:19

mail - 31:16, 31:22, 32:9, 32:23, 33:2, 33:5, 57:3, 57:7, 57:21, 59:13, 62:21, 63:1, 63:2, 63:21,

| | | | | |
|---|--|---|---|--|
| <p>managed - 34:14 management - 105:5 manager - 40:14, 42:9, 42:19, 191:22, 191:24 March - 8:20, 9:10, 9:24, 10:6, 10:9, 180:1, 180:11, 181:7, 181:9, 182:5 mark - 4:22, 107:17, 192:21, 199:25, 202:14 marked - 3:14, 4:19, 4:24, 4:25, 5:4, 7:11, 7:24, 8:1, 11:9, 11:11, 11:15, 11:19, 14:10, 14:18, 14:21, 14:25, 16:1, 16:4, 16:7, 16:10, 17:5, 17:8, 17:10, 17:15, 24:4, 28:11, 31:20, 31:23, 32:1, 35:2, 40:18, 40:21, 40:25, 41:24, 48:14, 48:17, 48:21, 50:8, 106:4, 106:8, 106:9, 106:12, 106:14, 107:5, 107:10, 107:13, 107:15, 107:20, 180:20, 180:23, 181:1, 181:25, 192:24, 194:3, 200:3, 200:11, 202:12, 202:17, 204:6, 212:22 marking - 10:14 Marvin - 2:14, 3:1, 3:9, 3:24, 4:2, 4:11, 4:17, 4:21, 5:6, 11:4, 11:6, 12:12, 12:16, 13:18, 14:1, 14:4, 14:7, 15:23, 17:2, 20:10, 21:18, 21:23, 21:25, 23:8, 23:22, 24:1, 25:1, 26:24, 27:3, 28:4, 28:23, 30:3, 31:6, 31:9, 32:20, 33:14, 34:23, 35:24, 36:3, 37:6, 37:9, 38:6, 38:9, 39:13, 39:16, 41:21, 42:13, 42:17, 43:21, 44:2, 44:6, 44:16, 49:13, 50:5, 55:6, 55:9, 55:17, 55:20, 55:25, 62:11, 62:15, 62:18, 64:7, 64:10, 77:25, 100:12, 100:15, 101:6, 101:22, 102:18, 104:5, 116:8, 116:16, 116:23, 128:17, 132:21, 134:13, 136:23, 137:1, 137:16, 138:14, 139:8, 139:11, 140:14, 140:18, 141:9, 141:13, 143:22, 143:25, 150:5, 150:12, 153:21, 157:8, 157:11, 161:11, 165:24, 172:15, 177:14, 177:17, 177:20, 181:22, 182:13, 182:15, 189:11, 189:16, 189:25, 193:25, 197:23, 198:1, 202:6, 202:9, 203:25, 204:3, 204:9, 203:25, 204:3,</p> | <p>204:17, 204:20, 205:18, 206:11, 229:6, 230:15, 232:14, 232:20, 232:23 Mary - 2:14 material - 73:7, 206:25 matter - 20:6, 26:21, 57:13, 57:14, 123:12, 134:1, 139:6, 143:7, 205:16 Matter - 1:2 matters - 197:21 Mayor - 2:14, 3:1, 3:9, 3:21, 3:24, 4:2, 4:11, 4:17, 4:21, 5:6, 11:4, 11:6, 12:12, 12:16, 13:18, 14:1, 14:4, 14:7, 15:23, 17:2, 20:10, 21:18, 21:23, 21:25, 23:8, 23:22, 24:1, 25:1, 26:24, 27:3, 28:2, 28:4, 28:18, 28:23, 30:3, 31:6, 31:9, 32:20, 33:14, 34:23, 35:24, 36:3, 37:6, 37:9, 38:6, 38:9, 39:13, 39:16, 41:21, 42:13, 42:17, 43:2, 43:21, 44:2, 44:6, 44:9, 44:16, 45:3, 49:13, 50:5, 55:6, 55:9, 55:17, 55:20, 55:25, 62:11, 62:15, 62:18, 64:7, 64:10, 77:25, 100:12, 100:15, 101:6, 101:22, 102:18, 104:5, 116:8, 116:16, 116:23, 128:17, 132:21, 134:13, 136:23, 137:1, 137:16, 138:14, 139:8, 139:11, 140:14, 140:18, 141:9, 141:13, 141:16, 142:24, 143:22, 143:25, 150:5, 150:12, 153:21, 157:8, 157:11, 161:11, 165:24, 172:15, 177:14, 177:17, 177:20, 181:22, 182:13, 182:15, 189:11, 189:16, 189:25, 193:25, 197:23, 198:1, 202:6, 202:9, 203:25, 204:3, 204:17, 204:20, 205:18, 206:11, 229:6, 230:15, 232:14, 232:20, 232:23 meadow - 136:18, 137:20, 197:10 mean - 28:21, 71:13, 76:11, 106:19, 163:8, 197:6, 198:10 meaning - 67:12, 114:20, 163:1, 163:3, 170:23, 198:11, 214:19, 224:18 Meaning - 163:2 means - 78:3, 95:12, 111:19, 114:5 meant - 111:18, 121:1, 176:21</p> | <p>meet - 46:18, 51:4 meeting - 3:4, 46:3, 46:5, 46:7, 46:25, 47:12, 49:10, 49:18, 51:5, 75:11, 93:15, 93:22, 94:1, 94:20, 95:3, 95:15, 124:9, 168:10, 168:16, 230:20 Melissa - 1:22, 5:24, 51:22, 164:15, 178:9, 182:24, 236:14 Melissa's - 51:4 member - 56:25, 63:22, 69:6, 76:18, 111:17, 117:10, 118:5, 146:15, 152:1, 153:3, 155:12, 157:23, 158:4 Member - 151:9 member's - 159:10 members - 3:11, 53:18, 75:12, 75:16, 87:4, 120:13, 150:21, 153:1, 154:22 Members - 154:1, 154:5, 176:20, 229:4 memo - 97:5, 97:7, 124:10, 148:16, 149:2, 162:5, 162:17, 162:22 memorandum - 11:14, 11:24, 12:14 Memorandum - 233:9 memorialized - 225:4 memory - 32:25, 105:21, 105:25, 120:11, 144:23, 145:20, 173:18, 214:6, 223:3, 225:10, 225:18, 225:22, 226:6 memos - 124:10, 124:23, 125:6, 125:25, 126:3, 147:2, 147:4 men - 165:9 mention - 124:8, 216:16 mentioned - 52:22, 129:21, 138:18, 205:24 message - 27:13, 31:12, 37:11, 82:13, 82:17, 82:20, 82:21, 82:25, 83:1, 83:2, 83:10, 84:25, 86:14, 86:17, 89:10, 105:16, 108:2, 109:5, 166:13, 166:21, 167:16, 167:21, 184:25, 185:1, 185:2, 185:7, 185:10, 185:13, 185:15, 189:19, 210:21, 211:1, 211:11, 211:17, 211:21, 212:7 met - 45:24, 89:3, 94:13, 121:19, 125:12, 184:24, 187:4, 187:5 meted - 133:1, 138:10 Michael - 178:15 middle - 21:22, 205:4 might - 48:3 military - 194:11 mind - 12:10, 18:25,</p> | <p>44:25, 148:25 minimal - 141:20, 141:24 minute - 164:8, 229:18 minutes - 29:10, 38:20, 40:2, 43:11, 65:8, 93:19, 101:9, 101:11, 109:18, 141:7, 143:15, 169:9, 184:23, 186:22, 191:18, 192:3, 212:10, 213:11 missing - 103:10 misspeak - 120:23, 222:24 misspoke - 120:22, 198:16, 222:17, 222:22, 223:1, 225:17 mistake - 134:12, 154:12 mistakes - 156:17, 156:22 misunderstanding - 115:4 misunderstood - 151:16 Mitchell - 25:10, 25:25, 26:1, 26:7, 26:11, 26:16, 26:19, 27:16, 30:19, 30:25, 31:14, 32:10, 33:2, 33:7, 35:6, 36:11, 45:15, 45:22, 67:11, 67:12, 67:15, 67:17, 70:19, 71:9, 75:23, 80:2, 80:3, 82:9, 83:8, 83:24, 84:24, 85:15, 105:15, 108:2, 109:4, 109:16, 132:17, 135:3, 135:4, 135:5, 135:21, 164:21, 164:22, 169:19, 177:3, 177:8, 178:2, 233:16, 235:7, 235:9, 235:11 Mitchell's - 25:13, 84:6 model - 188:21 moment - 169:20, 193:1, 200:6, 202:20 Monday - 201:4, 201:5, 203:6 money - 205:16 month - 75:1, 78:11, 78:17 months - 74:18, 176:7 moralize - 199:11 morning - 16:22, 32:14, 46:19, 50:23, 75:20, 94:21, 166:5, 216:12, 219:2, 219:13, 221:2, 221:6, 221:12, 221:23, 222:3, 222:11, 222:18, 222:21, 223:6, 223:12, 224:18, 225:12, 225:16, 225:18, 226:8 most - 130:14, 132:25, 138:9 Mostly - 183:20 Mount - 39:23, 40:8, 41:8, 191:10, 224:6 mouthed - 43:25 move - 10:22, 13:5, 18:9, 21:2, 23:20, 32:15, 50:2, 181:18,</p> | <p>193:22, 201:14, 203:9 Move - 20:17, 55:2 muffin - 136:18, 137:20, 197:11 Multiple - 21:21 Murray - 70:14, 71:3, 132:16, 133:18, 133:21, 135:20, 146:21, 147:14, 147:19, 148:7, 148:15 Murray's - 147:23 must - 53:9, 92:13, 103:10, 103:11, 231:7</p> |
| N | | | | |
| <p>naked - 196:13 name - 9:9, 40:15, 84:2, 164:19, 178:14, 179:14, 183:2, 191:14 named - 51:22 names - 69:18, 70:12 narrative - 18:2, 18:4, 19:19 nature - 46:7, 147:8, 158:23 naughty - 137:22 near - 42:3 necessary - 23:11, 104:14 necessity - 76:2, 90:14 need - 53:13, 54:3, 54:6, 81:22, 100:21, 103:25, 116:9, 117:3, 133:12, 133:14, 189:25, 190:6, 219:2, 219:7, 227:10 needed - 65:19, 77:10, 90:9, 103:8, 190:16, 196:17, 198:21, 204:14, 220:18 needs - 49:7, 65:15, 67:5, 67:13 negative - 121:19, 125:12 negligence - 158:7 never - 73:9, 97:22, 98:4, 125:16, 131:1, 131:9, 131:21, 160:10, 172:19 New - 1:24, 2:3, 2:8, 2:18, 5:24, 164:16, 178:10, 182:25 Next - 117:9 next - 5:14, 9:6, 9:9, 16:4, 21:17, 30:15, 40:1, 43:13, 46:23, 46:24, 80:12, 85:1, 85:8, 89:13, 91:2, 122:2, 130:5, 145:21, 145:25, 155:16, 158:20, 159:5, 179:19, 185:15, 187:11, 191:2, 192:5, 197:1, 212:9 nice - 114:17 night - 138:2, 195:4 Niko's - 51:6, 51:8 nine - 74:18 ninth - 119:23 nobody - 30:8, 121:5 Nobody - 88:5, 133:8 non - 20:17, 125:7 None - 92:8, 118:8, 152:3</p> | | | | |

| | | | | |
|--|---|---|---|---|
| <p>none - 73:14, 73:17, 73:23, 74:8, 150:15 normal - 210:14 North - 1:23 Notary - 5:24, 164:15, 178:9, 182:24 note - 17:9, 17:24, 18:3, 19:7, 19:9, 19:12, 19:21, 19:24, 21:8, 21:15, 58:3, 70:8, 112:18, 112:20, 112:23, 112:25, 153:7, 158:22, 225:23, 233:14 noted - 128:18, 188:18 Noted - 232:24 notes - 8:8, 95:15, 106:15, 193:12, 214:8, 220:6, 225:6, 225:7, 225:8, 225:25, 227:14 nothing - 54:18, 55:1, 98:17, 98:22, 99:18, 114:16, 119:13, 119:17, 128:13, 133:5, 133:7, 138:2, 149:10, 176:17, 197:12, 197:15, 201:22, 229:1 Nothing - 150:24, 176:19, 207:6, 229:5 Notice - 4:7 notice - 13:21, 77:10 noticed - 52:14, 79:15 notification - 158:4 notified - 53:21, 127:3 notify - 53:9, 53:12, 126:13 notwithstanding - 97:21 November - 52:12 number - 10:15, 11:3, 15:17, 15:18, 32:22, 32:24, 33:7, 33:11, 33:17, 33:20, 33:23, 34:7, 34:8, 34:14, 42:5, 53:12, 68:7, 79:19, 80:6, 80:9, 83:17, 83:23, 83:25, 84:3, 84:5, 84:9, 105:18, 108:4, 108:9, 108:13, 108:14, 108:24, 109:1, 109:6, 109:21, 109:23, 109:24, 109:25, 122:25, 128:5, 151:18, 166:17, 183:5, 186:10, 193:15, 207:25, 208:1, 208:5, 208:8, 208:13, 208:14, 208:17, 208:20, 209:3, 209:9, 209:14, 209:19, 209:21, 209:24, 210:1, 210:4, 210:16, 211:2, 211:6 numbered - 157:22 numbers - 194:9 numerous - 119:24, 120:1, 120:3 nuns - 30:4, 30:5</p> | <p>229:2 O'neil - 2:8, 3:5, 3:8, 4:3, 4:14, 5:6, 5:13, 5:16, 5:20, 6:1, 7:5, 7:22, 8:12, 8:14, 8:17, 8:21, 10:22, 11:7, 11:11, 12:4, 12:9, 13:5, 13:15, 14:17, 15:19, 16:3, 16:23, 17:7, 18:9, 19:17, 20:20, 22:20, 22:22, 23:10, 23:20, 24:21, 26:9, 27:8, 28:11, 28:23, 28:24, 29:25, 30:4, 31:19, 32:15, 33:19, 33:22, 34:1, 34:21, 35:4, 35:22, 40:17, 41:17, 42:5, 45:1, 48:13, 50:2, 55:23, 61:6, 61:8, 61:13, 64:4, 74:5, 77:23, 78:1, 81:13, 81:14, 81:23, 82:3, 83:19, 84:14, 84:18, 95:22, 98:13, 99:2, 99:11, 99:17, 99:20, 100:6, 100:21, 100:24, 102:19, 102:21, 106:7, 106:17, 106:23, 111:25, 112:5, 114:1, 114:22, 120:24, 128:19, 129:5, 129:17, 129:18, 129:19, 130:6, 132:15, 133:14, 133:24, 134:2, 134:8, 135:8, 135:17, 135:18, 137:4, 137:13, 138:13, 138:23, 141:7, 141:11, 141:21, 141:23, 142:8, 142:15, 143:3, 143:8, 143:14, 144:6, 145:4, 148:4, 149:11, 149:12, 149:19, 150:8, 151:3, 151:14, 152:12, 155:22, 156:1, 156:6, 156:14, 156:20, 157:2, 160:14, 160:16, 160:17, 160:18, 161:21, 162:8, 162:12, 163:18, 163:22, 164:1, 172:19, 172:22, 178:12, 179:8, 180:19, 181:18, 182:7, 192:21, 197:18, 202:2, 202:14, 203:21, 229:12, 229:23, 230:3, 230:18, 231:1, 231:3, 232:18, 234:4, 234:8, 234:12, 234:16, 234:20, 235:4, 235:14 O'Neill - 35:25, 62:8 O'Reilly - 2:17, 2:19, 3:17, 4:5, 4:9, 4:15, 4:24, 5:8, 5:15, 5:18, 8:20, 11:5, 13:15, 14:6, 17:17, 18:13, 20:24, 22:5, 22:20, 27:4, 28:9, 28:14, 34:3, 34:8, 34:16, 42:1, 42:7, 42:22, 43:25, 44:8, 44:13, 45:3, 45:5, 61:7,</p> | <p>81:13, 82:5, 84:13, 84:15, 100:10, 100:17, 101:10, 101:18, 101:23, 102:14, 102:19, 104:6, 106:3, 107:8, 107:11, 107:16, 116:9, 116:15, 116:18, 117:3, 128:18, 129:12, 129:16, 133:10, 135:17, 137:11, 149:11, 150:6, 150:10, 154:2, 154:6, 160:14, 164:4, 164:7, 164:19, 164:23, 170:6, 172:3, 176:18, 176:20, 178:1, 178:3, 178:13, 181:20, 182:9, 182:14, 182:18, 183:2, 186:8, 197:17, 198:5, 202:1, 203:15, 203:20, 206:17, 206:23, 207:8, 207:12, 218:23, 229:4, 229:8, 229:15, 230:11, 230:23, 232:15, 232:22 oath - 172:17, 222:20 object - 19:15, 99:7, 145:4, 151:3, 155:22, 156:14, 201:16 objecting - 45:7, 143:5, 143:6 objection - 11:1, 13:8, 13:17, 14:2, 14:4, 15:22, 17:1, 22:19, 25:3, 26:25, 31:7, 31:9, 33:13, 34:22, 37:7, 41:20, 42:14, 42:17, 44:25, 50:4, 55:7, 55:20, 62:16, 77:24, 81:14, 81:20, 98:13, 98:22, 98:24, 99:17, 100:13, 100:15, 106:25, 107:4, 116:10, 116:24, 132:22, 136:24, 137:12, 137:17, 138:12, 138:15, 139:9, 140:15, 141:10, 142:25, 143:23, 156:2, 156:5, 157:9, 172:21, 172:23, 181:21, 189:17, 193:24, 197:24, 202:7, 203:13, 203:15, 203:16, 203:22, 204:1, 204:18, 206:13, 206:22 Objection - 12:2, 23:4, 24:18, 26:6, 29:23, 31:4, 37:4, 37:9, 38:5, 38:9, 39:12, 39:16, 42:11, 43:18, 44:6, 44:20, 49:12, 55:9, 55:16, 61:6, 62:8, 62:18, 64:4, 64:10, 74:5, 83:19, 95:22, 111:25, 114:1, 120:24, 130:1, 133:23, 137:1, 138:22, 139:11, 140:10, 140:18, 141:13, 142:21, 143:25, 148:4,</p> | <p>157:11, 161:9, 161:11, 162:8, 165:23, 181:16, 186:2, 189:10, 189:15, 189:22, 197:10, 198:1, 202:9, 204:3, 204:20, 205:18, 206:11 objections - 141:15 objective - 67:23, 68:3, 68:8 observations - 71:24 observe - 62:5, 195:1 observed - 59:18 obtain - 124:21 obtained - 190:12 obvious - 44:10, 65:9, 143:7 obviously - 131:15 occasion - 58:1, 58:6, 58:8, 58:9, 58:12, 60:4, 60:6, 60:8, 60:10, 60:12, 60:15, 60:18, 60:21, 60:24, 73:16, 120:6, 170:11, 170:17, 175:2, 175:24, 194:19, 203:5 occasions - 25:22, 175:18 occur - 39:8, 173:15, 207:2 occurred - 38:21, 60:21, 98:16, 98:18, 146:2, 204:11, 204:23 October - 118:24, 179:4, 179:5 offender - 131:9 offense - 138:9 offer - 135:25 offered - 130:9, 227:9 office - 21:9, 39:3, 39:5, 40:4, 43:14, 47:4, 109:4, 201:9, 214:1 Officer - 1:7, 2:2, 3:12, 3:22, 5:12, 19:21, 20:10, 20:14, 22:24, 23:2, 23:5, 23:13, 24:7, 24:16, 25:18, 25:25, 27:17, 27:24, 29:11, 30:11, 30:16, 30:21, 35:8, 35:14, 36:6, 36:12, 36:19, 36:22, 37:13, 37:15, 38:4, 38:11, 38:15, 38:16, 39:6, 39:11, 39:18, 40:11, 43:4, 43:17, 44:19, 45:13, 45:15, 45:24, 46:4, 46:11, 46:21, 47:6, 47:8, 47:15, 47:25, 49:10, 49:18, 50:18, 52:1, 52:6, 52:13, 52:25, 53:20, 65:21, 68:10, 70:13, 70:14, 70:16, 75:24, 76:2, 85:2, 86:24, 88:12, 89:2, 89:4, 91:10, 92:22, 96:11, 101:3, 108:3, 108:24, 108:25, 109:6, 109:16, 109:22, 112:10, 126:7, 129:22, 131:18, 131:20, 132:16, 132:17, 133:18,</p> | <p>133:20, 134:24, 135:3, 135:22, 138:21, 139:14, 139:18, 139:25, 140:22, 142:10, 143:17, 149:15, 161:5, 165:22, 166:5, 166:11, 166:15, 167:12, 167:22, 168:1, 168:3, 168:9, 168:12, 168:20, 170:10, 177:22, 181:14, 184:14, 184:17, 184:22, 185:6, 185:25, 187:9, 187:17, 188:4, 188:5, 188:11, 188:13, 188:23, 189:2, 189:4, 189:8, 189:13, 190:2, 190:13, 191:5, 192:12, 194:14, 194:21, 195:14, 195:19, 196:2, 196:20, 197:1, 197:5, 198:20, 199:19, 200:25, 204:12, 204:24, 205:2, 207:3, 207:17, 208:15, 209:10, 212:1, 212:7, 213:1, 214:12, 215:23, 216:7, 217:7, 217:22, 217:24, 220:20, 225:15, 233:4 officer - 6:18, 49:5, 49:6, 56:4, 56:9, 67:25, 68:4, 69:19, 93:8, 116:2, 118:11, 118:19, 119:18, 133:3, 152:2, 155:24, 157:12, 158:21, 161:1, 175:24, 183:15 Officer's - 233:12 officer's - 16:18 Officers - 135:20 officers - 15:9, 48:9, 48:10, 70:2, 70:5, 70:12, 87:13, 87:21, 87:24, 88:3, 104:10, 105:4, 129:20, 140:6, 181:11, 212:19, 213:14 old - 133:9, 137:20 omission - 155:9, 155:19, 156:12, 157:14, 157:19, 157:25, 158:6, 159:12 once - 115:13, 117:21, 117:23, 121:24, 132:8, 136:20, 222:25 Once - 79:6 one - 7:25, 10:15, 11:3, 15:18, 25:2, 27:7, 27:12, 33:4, 54:24, 62:14, 70:24, 74:1, 74:2, 74:4, 74:7, 74:21, 94:4, 100:10, 101:6, 106:18, 106:20, 106:24, 107:12, 108:12, 121:20, 122:19, 122:24, 123:1, 132:3, 133:3, 138:10, 152:10, 152:22, 168:3, 176:21, 177:18, 187:12, 187:15, 214:17, 215:3, 215:5, 215:21, 216:2 ones - 47:18</p> |
| O | | | | |
| O - 102:9, 103:20, | | | | |

| | | | | |
|---|---|--|---|--|
| <p>ongoing - 97:11, 147:6, 148:13 open - 57:20 opened - 68:11, 192:15, 197:20 opinion - 114:5 opportunity - 73:3, 95:1 opposed - 127:23, 131:12, 143:18, 163:15 order - 40:20, 41:8, 43:6, 66:23, 79:23, 118:18, 119:9, 144:15, 166:9, 167:18, 167:19, 169:2, 171:10, 184:19, 186:19, 207:14, 222:1, 233:17 ordered - 66:23, 69:19, 111:5, 168:24, 192:11, 192:16, 194:14, 194:18, 194:20, 195:7, 195:13 orders - 165:22, 166:3, 167:9, 168:19, 184:8, 184:10, 187:7, 190:17, 195:8, 199:17, 200:23, 201:2 original - 81:17, 81:22 originally - 9:23, 53:6, 196:4 Otherwise - 156:7 otherwise - 174:6 outcome - 167:5 outlined - 154:23 outreach - 183:21 outside - 66:20, 140:7, 212:19, 227:2, 227:4, 227:6 outweighs - 130:21 overrule - 14:2, 25:2, 26:23, 26:25, 31:7, 37:7, 38:7, 39:14, 42:14, 43:22, 44:3, 55:7, 55:18, 62:16, 100:13, 116:24, 132:22, 136:24, 137:17, 139:9, 140:15, 141:10, 141:15, 142:25, 143:23, 157:9, 189:16, 197:24, 202:7, 203:14, 204:1 Overruled - 27:2, 62:11 overruled - 14:5, 27:3, 31:10, 37:9, 38:9, 39:16, 42:18, 44:6, 44:11, 55:9, 55:21, 62:18, 100:16, 137:1, 138:15, 139:11, 140:18, 141:13, 143:25, 157:11, 161:11, 198:1, 202:9, 204:3 overruling - 203:19 oversee - 6:25, 7:1 overtime - 77:22 own - 66:4, 85:19</p> | <p>pages - 106:13 paid - 52:20, 63:22, 76:5, 76:12, 76:14, 76:18, 87:21, 131:11 panel - 84:18 Panzarino - 47:7, 47:9, 70:16, 92:23, 132:17, 134:24, 135:20 paragraph - 122:3 parallel - 92:8, 93:5 Pardon - 56:20, 170:21, 176:14, 208:22 Park - 1:23 park - 35:18 parked - 35:22, 121:10 Parkway - 40:8, 191:11, 224:5 Part - 13:3, 87:17, 87:20, 135:24 part - 26:13, 28:9, 28:14, 28:17, 53:1, 68:21, 109:20, 115:4, 121:14, 136:11 participant - 26:15, 26:18 particular - 4:18, 27:25, 187:18 Particular - 231:14 particularly - 170:20, 170:22, 170:23 parties - 104:4, 164:12 pass - 105:1, 105:3 password - 33:3 past - 127:15, 136:2 patrol - 80:15, 87:15, 87:20, 90:6 Patrol - 6:19, 6:24, 6:25, 91:8 patrolman - 165:6, 179:4 pay - 77:21, 79:7, 96:23, 97:1, 97:8, 98:3, 115:7, 148:16, 148:18, 149:3, 166:8, 176:24, 177:23 paycheck - 69:9, 72:9, 72:11, 79:1, 79:10, 122:12, 122:20, 122:22, 122:23, 176:25 paychecks - 58:17, 58:19, 58:24, 59:2, 59:5, 59:11, 59:25, 72:8 paying - 80:18 payroll - 97:4, 97:5, 97:7, 97:14 Pba - 47:10, 71:6, 94:19, 94:24, 124:10 Pd - 183:11 penalty - 19:1, 206:16, 217:4, 222:23 pending - 28:25, 206:17 people - 71:12, 84:3, 114:25, 123:21, 130:22, 131:5, 131:12, 177:9, 177:10, 177:11, 213:15 people's - 176:25 per - 150:25, 185:10, 188:25, 190:5, 190:16, 196:18, 216:10,</p> | <p>219:1, 219:7, 220:19 perform - 6:23, 25:19 performing - 143:16 perhaps - 158:7 period - 6:16, 30:19, 56:14, 57:1, 63:2, 70:25, 73:25, 74:2, 74:20, 78:5, 97:17, 117:18, 152:21, 161:13, 161:17, 167:17, 179:2, 228:21 periodically - 21:7, 104:11 periods - 129:22 perjury - 19:1, 206:16, 217:5, 222:24 person - 18:15, 33:5, 34:17, 51:24, 79:22, 87:7, 119:11, 224:13 person's - 18:21 personal - 18:24, 22:15, 71:24 personally - 89:2, 147:20, 147:25, 148:3, 148:25, 188:13, 195:14 pertain - 144:20 pertained - 148:14 pertinent - 102:7 peruse - 16:14 peruses - 15:3, 18:6, 32:3, 41:3, 48:25, 120:14, 169:22, 193:3, 200:7, 202:23, 205:10, 220:11, 225:13 ph - 51:6 phone - 27:13, 32:22, 33:7, 33:10, 36:20, 37:11, 37:12, 37:17, 42:5, 79:24, 83:17, 85:17, 85:19, 85:20, 85:25, 88:12, 89:4, 108:8, 109:1, 109:23, 128:5, 166:17, 167:5, 168:19, 169:4, 169:10, 170:9, 184:17, 184:24, 185:1, 189:9, 200:24, 201:4, 201:7, 207:20, 207:22 phones - 184:13 phrase - 205:5 physical - 25:12, 57:10, 177:6 physically - 196:18 pickup - 166:7 piece - 122:19, 123:1, 228:12, 228:23 pieces - 68:7, 95:24, 122:24 pink - 45:9 pizza - 51:19, 189:6, 219:17, 223:18, 227:10, 227:12, 228:12, 228:15, 228:23 place - 8:16, 46:25, 47:3, 47:12, 53:14, 79:23, 128:1, 134:9, 164:10, 178:6, 182:21, 195:22, 207:11, 213:19, 226:14, 227:10, 227:12, 228:15 placed - 189:9,</p> | <p>193:23, 203:10, 204:4 places - 151:18 plain - 106:17, 114:20 Plains - 2:3, 194:22, 194:24, 195:17 planning - 159:2 plate - 188:18 play - 129:10, 136:20 Pllc - 2:6 plural - 121:22 Pm - 1:10, 14:16, 24:11, 25:16, 180:14, 184:3, 185:23, 194:12, 195:4, 232:24 point - 6:25, 30:12, 72:18, 90:25, 97:13, 102:1, 103:24, 129:2, 129:14, 143:2, 147:22, 151:20, 162:22, 168:2, 168:3, 187:20, 194:13, 196:7, 198:20, 205:3, 218:11, 221:19, 227:9 poison - 132:9 poisoned - 132:8 poisoning - 130:3 poisons - 130:20 police - 6:18, 15:10, 29:9, 30:20, 35:17, 38:13, 39:19, 45:14, 45:16, 53:21, 69:17, 110:22, 110:24, 167:11, 175:22, 177:1, 181:6, 183:15, 186:25, 190:24, 198:11, 213:13, 231:22 Police - 1:1, 1:7, 2:13, 3:3, 6:6, 7:17, 9:17, 11:25, 12:15, 27:17, 27:24, 29:11, 30:16, 66:5, 75:6, 75:9, 96:3, 96:18, 125:25, 138:7, 160:22, 165:2, 178:18, 178:21, 179:2, 183:8, 194:20, 233:9 policies - 47:21, 129:24, 155:17, 180:16 Policies - 154:14 policy - 9:16, 10:10, 10:19, 10:21, 46:10, 47:19, 53:3, 53:9, 53:11, 53:16, 54:4, 54:6, 54:11, 54:18, 54:20, 54:21, 54:23, 55:1, 55:3, 56:3, 56:8, 56:13, 94:18, 95:11, 104:22, 113:15, 114:10, 114:23, 115:5, 115:8, 115:11, 115:20, 115:22, 118:9, 118:17, 118:21, 119:9, 119:14, 119:15, 123:19, 125:17, 127:18, 130:8, 130:12, 130:24, 131:1, 131:22, 134:25, 136:2, 152:19, 153:12, 153:13, 153:19, 154:13, 154:21, 174:19, 175:22, 182:4 polled - 14:3, 23:24, 27:1, 31:8, 37:8, 38:8,</p> | <p>39:15, 42:15, 43:23, 55:8, 55:19, 62:17, 64:9, 100:14, 136:25, 137:18, 139:10, 140:17, 141:12, 143:24, 157:10, 161:10, 197:25, 202:8, 204:2, 204:19 polluted - 13:24 Poorman - 2:15 porch - 120:8, 120:17, 141:17 portion - 18:2, 18:4, 41:11 posed - 219:6 position - 90:5, 178:23, 232:6 positioned - 188:10 positions - 179:1 Positive - 146:19 possible - 96:13, 139:7 possibly - 24:19 post - 185:25, 213:22 Posted - 12:24 posted - 149:17, 149:23 practice - 118:10, 119:9 pre - 103:12, 103:14, 231:7 pre-trial - 231:7 preceding - 76:15, 77:7, 89:19, 122:21, 123:3 precipitated - 26:13 precise - 112:1 preferred - 1:5 prejudice - 132:10 prejudicial - 201:17 preordained - 203:18 prepare - 52:18 prepared - 3:6, 14:1, 15:12, 19:23, 21:25, 23:22, 26:24, 31:6, 37:6, 38:6, 39:13, 42:13, 43:21, 44:2, 55:6, 55:18, 62:15, 64:7, 100:12, 128:10, 132:21, 136:23, 137:16, 139:8, 140:14, 141:9, 143:22, 157:8, 197:23, 202:6, 203:7, 203:25, 204:17 prepares - 15:11 presence - 81:19, 92:25, 94:6, 118:7, 124:15, 147:24, 170:11, 170:15 Present - 2:13 present - 18:18, 46:2, 63:23, 92:21 presented - 19:8 President - 47:10, 71:6 presto - 138:6 presume - 26:7 pretty - 26:20, 58:20 prevent - 226:17, 228:7 prevented - 13:20, 220:17 previous - 52:22, 173:24, 174:15 Previously - 225:21, 225:24 previously - 11:9,</p> |
| P | | | | |
| <p>Page - 234:2, 235:2 page - 53:16, 105:25, 107:23, 113:18, 113:24, 122:3, 154:14, 155:16</p> | | | | |

| | | | | |
|--|--|---|---|--|
| <p>14:10, 16:1, 17:5, 21:20, 24:4, 29:3, 35:2, 41:24, 49:15, 50:8, 51:10, 115:21, 181:25, 194:3, 202:12, 204:6, 226:10, 226:11</p> <p>price - 201:23</p> <p>printed - 90:22</p> <p>Privacy - 34:6</p> <p>privacy - 34:17</p> <p>problem - 232:7</p> <p>procedurally - 93:8</p> <p>procedure - 56:3, 56:8, 95:10, 113:25, 114:14, 118:18, 123:20, 130:8, 148:13, 151:25, 152:7, 155:7, 159:6, 176:12</p> <p>Procedure - 113:21</p> <p>Procedures - 150:19, 154:15</p> <p>procedures - 9:17, 10:10, 46:10, 47:20, 53:4, 53:17, 54:24, 94:18, 114:11, 125:18, 129:24, 135:1, 147:1, 147:2, 147:4, 152:11, 154:23, 155:18, 160:2, 160:7, 180:16, 182:4</p> <p>proceed - 116:7</p> <p>proceeding - 27:23, 125:15, 125:17, 147:6, 147:9, 147:11, 236:8</p> <p>proceedings - 231:9, 231:10</p> <p>process - 231:25</p> <p>produce - 229:21, 232:11</p> <p>produced - 81:12, 82:6, 100:4, 128:22</p> <p>product - 136:21, 148:22</p> <p>production - 101:24</p> <p>productive - 230:10</p> <p>promoted - 6:19, 6:20</p> <p>prompted - 59:5, 60:21, 62:6, 76:21</p> <p>prompting - 184:25, 190:14</p> <p>proof - 135:25</p> <p>proper - 134:6</p> <p>properly - 28:17, 159:17</p> <p>prosecuting - 114:18</p> <p>prosecution - 132:3</p> <p>prosecution's - 201:19</p> <p>protecting - 213:14</p> <p>protocol - 93:2</p> <p>prove - 13:12</p> <p>provided - 41:15, 43:6, 106:25</p> <p>provision - 138:20, 144:2</p> <p>Public - 5:24, 164:15, 178:9, 182:24</p> <p>pulled - 187:3, 188:11, 216:7</p> <p>punished - 136:3</p> <p>punishment - 133:1, 133:8</p> <p>Purpose - 150:18</p> <p>purpose - 53:15,</p> | <p>53:16, 114:2, 114:25, 152:18, 152:24, 153:13, 207:18</p> <p>purposely - 110:2, 110:8</p> <p>purposes - 27:22, 152:6</p> <p>pursuant - 42:1</p> <p>put - 22:12, 28:19, 68:6, 78:25, 79:10, 81:6, 97:14, 97:21, 108:21, 109:10, 112:18, 122:11, 122:20, 122:22, 123:2, 128:22, 130:4, 136:20, 138:7, 144:11, 144:13, 154:18, 159:8, 159:13, 176:24, 177:6</p> <p>puts - 123:6</p> <p>putting - 144:14</p> | <p>reached - 72:18</p> <p>Read - 226:5</p> <p>read - 3:20, 12:10, 27:8, 27:11, 44:11, 73:3, 92:18, 92:21, 93:12, 100:22, 100:24, 101:2, 103:3, 110:4, 110:18, 110:22, 117:4, 117:7, 119:1, 133:13, 133:15, 134:14, 134:16, 150:23, 163:19, 163:20, 173:7, 173:10, 198:6, 198:9, 217:13, 226:2, 231:18</p> <p>reading - 193:20</p> <p>ready - 5:7, 82:4</p> <p>realized - 139:6</p> <p>really - 28:16, 205:6, 207:1</p> <p>rear - 30:8, 85:9, 120:13, 120:18, 120:20, 121:2, 121:4, 142:13</p> <p>reason - 4:19, 15:17, 34:2, 34:4, 48:12, 52:20, 54:8, 65:8, 70:10, 77:13, 77:16, 111:10, 118:10, 131:7, 131:18, 136:6, 147:18, 148:11, 149:7, 176:9, 210:23, 211:18, 211:19, 211:21</p> <p>reasons - 135:24, 203:23</p> <p>recalled - 51:3</p> <p>receipt - 10:6, 10:8, 19:15, 27:15</p> <p>receive - 7:19, 13:16, 21:12, 89:2, 133:16, 166:2, 177:10, 177:11, 185:19, 191:24, 199:17, 200:23, 211:11, 211:17</p> <p>Received - 14:6, 89:1</p> <p>received - 3:11, 5:3, 10:23, 11:5, 11:6, 11:10, 11:15, 13:6, 14:8, 14:11, 14:21, 15:20, 15:23, 16:2, 16:6, 16:24, 17:2, 17:6, 17:10, 18:10, 20:13, 21:11, 21:15, 21:19, 23:21, 24:1, 24:5, 29:19, 30:22, 31:11, 31:22, 32:16, 35:3, 40:21, 41:18, 41:21, 41:25, 47:21, 48:17, 50:3, 50:6, 50:9, 50:10, 51:16, 73:15, 88:15, 88:17, 88:20, 94:10, 107:19, 158:11, 166:12, 167:6, 167:14, 180:22, 181:19, 181:22, 182:1, 184:12, 185:13, 186:19, 189:18, 192:23, 194:4, 200:2, 202:13, 202:17, 204:7, 212:7</p> <p>receives - 177:23</p> <p>receiving - 31:13, 69:6, 152:3, 155:24, 156:11, 157:13,</p> | <p>158:4, 184:7, 210:21</p> <p>recess - 104:3, 164:11</p> <p>recognize - 181:3, 185:3, 185:5, 188:16, 193:5</p> <p>recollection - 61:23, 125:5, 204:10, 204:14, 206:5, 208:21, 208:23, 208:24, 210:7, 210:10, 220:3, 220:5, 220:9, 225:3</p> <p>record - 3:10, 3:20, 8:14, 8:15, 13:21, 13:23, 16:19, 28:10, 28:15, 31:17, 48:9, 78:2, 78:7, 84:8, 85:22, 85:24, 102:22, 103:19, 103:22, 104:7, 104:19, 108:17, 112:4, 123:12, 123:17, 123:21, 123:22, 129:13, 130:3, 130:20, 132:12, 145:14, 157:1, 157:7, 164:8, 164:9, 164:20, 178:3, 178:5, 178:14, 182:18, 182:20, 183:3, 193:21, 200:15, 207:9, 207:10, 229:16</p> <p>recorded - 84:4, 86:1, 95:4, 95:6, 95:8, 95:12</p> <p>recording - 123:20, 124:2, 186:6</p> <p>records - 105:5, 166:19</p> <p>recovered - 94:3</p> <p>recreate - 51:9</p> <p>Recross - 144:10, 149:21, 154:8, 161:23, 177:21, 234:17, 234:21, 234:23, 235:5, 235:11</p> <p>recuperate - 70:7</p> <p>redact - 34:2, 34:23</p> <p>redacted - 33:17, 34:5</p> <p>Redirect - 129:19, 149:12, 160:17, 234:15, 234:19, 235:3</p> <p>redirect - 132:20, 133:24, 134:1, 135:16, 135:22, 136:16, 137:9, 139:3, 141:5, 142:24, 143:13, 143:21</p> <p>redundant - 99:7</p> <p>reevaluated - 21:13, 113:2</p> <p>refer - 9:11, 15:7, 47:15, 144:15, 150:17, 152:4, 225:7, 227:14</p> <p>reference - 10:24, 20:5, 28:19, 32:17, 51:21, 52:24, 81:5, 110:5, 112:10, 119:24, 120:18, 121:7, 121:9, 122:4, 124:17, 125:6, 125:24, 151:6, 151:17, 159:15, 160:8, 176:23, 225:9, 225:11</p> <p>referenced - 83:17, 125:25, 136:15,</p> | <p>141:18, 159:17, 160:2, 201:22</p> <p>references - 150:22</p> <p>referencing - 138:8</p> <p>referred - 18:4, 46:25, 48:6, 49:9, 49:18, 53:8</p> <p>referring - 49:25, 54:17, 57:10, 57:12, 162:9</p> <p>reflect - 169:12, 194:6</p> <p>reflected - 9:24</p> <p>reflective - 194:10</p> <p>refresh - 214:6, 220:5, 220:9, 225:18</p> <p>refreshed - 223:3, 225:23, 226:6</p> <p>refreshes - 204:10</p> <p>refreshing - 204:14</p> <p>refuse - 92:6</p> <p>regard - 21:2, 25:9, 26:5, 27:17, 29:13, 29:22, 36:13, 37:15, 38:4, 40:6, 40:10, 43:16, 48:1, 50:20, 98:15, 131:16, 133:20, 133:21, 138:21, 140:24, 199:18, 202:3, 231:19</p> <p>regarding - 124:11, 157:19, 199:5, 199:24, 201:7, 203:5</p> <p>regardless - 160:5</p> <p>regular - 52:19, 57:2</p> <p>regularity - 57:4</p> <p>regularly - 69:5</p> <p>regulation - 54:18, 56:3, 56:7, 118:18</p> <p>Regulations - 7:17</p> <p>regulations - 91:16, 124:22, 144:3, 144:12, 144:18, 145:3</p> <p>Rehearing - 4:7</p> <p>Reilly - 102:9, 103:20, 229:2</p> <p>reiterated - 54:22, 198:21</p> <p>relate - 98:16</p> <p>related - 161:7, 197:11</p> <p>relevance - 20:1, 100:1</p> <p>relevancy - 98:14, 99:24, 130:18, 130:21</p> <p>relevant - 131:2</p> <p>relieve - 37:19, 37:22, 88:16, 89:22, 90:1, 185:24, 186:20, 212:11, 213:21, 213:24, 214:10, 214:12, 215:18, 216:23, 217:5, 217:16</p> <p>relieved - 89:14, 90:2</p> <p>relive - 186:15</p> <p>remain - 38:10, 38:11, 92:12, 175:24, 187:8, 187:15, 188:3, 217:20</p> <p>remained - 30:18, 35:8, 121:10, 126:11, 215:25</p> <p>remember - 27:6, 40:15, 58:14, 61:12, 72:1, 72:4, 77:11, 142:9, 145:13, 146:7, 156:3, 162:4, 162:15, 166:22, 176:3,</p> |
|--|--|---|---|--|

Proceedings

361

| | | | | |
|--|--|---|--|---|
| <p>209:13, 211:25, 212:1, 221:7, 221:8 remembers - 162:14 remind - 125:15 remotely - 141:5 removed - 64:2 Rep - 124:10 repeat - 27:7, 197:7, 198:3 repeated - 138:8, 219:9 repeatedly - 163:14 rephrase - 23:8, 49:13, 61:10, 74:9, 165:24, 189:11, 190:1 report - 10:19, 48:16, 49:5, 50:12, 50:13, 84:1, 102:23, 106:1, 108:22, 109:11, 112:11, 112:14, 112:20, 113:16, 114:13, 120:10, 152:3, 155:25, 156:11, 156:13, 157:13, 157:18, 158:11, 158:17, 158:18, 159:2, 159:3, 159:16, 159:18, 159:21, 159:22, 159:24, 160:24, 161:4, 161:5, 161:15, 161:18, 192:17, 192:19, 193:8, 194:7, 199:20, 233:18, 233:22 Report - 160:23 reported - 66:2, 108:2, 109:4, 109:18, 112:10, 158:22, 190:24, 191:1, 191:15 reporter - 27:11, 101:2, 117:7, 134:16, 143:10, 163:21, 173:10, 198:5, 198:9 Reporting - 113:21, 150:20 reporting - 53:17, 113:25, 114:11, 114:15, 117:10, 117:15, 151:25, 152:2, 153:3, 155:8, 155:13, 157:24, 161:2 reports - 52:14, 96:13, 99:23, 133:7, 161:25 representation - 83:20 represented - 46:14, 94:19 representing - 84:8, 128:24 reputation - 129:11 request - 81:24, 103:6, 231:13 requested - 61:24, 62:1, 86:17, 103:1 requests - 102:24 require - 153:5, 153:8 required - 117:15 requirement - 93:8, 95:11, 231:7 requires - 56:9, 118:18, 119:10, 119:18 rereading - 164:2 reserved - 131:24 reserving - 128:14 residence - 35:8,</p> | <p>35:13, 36:6, 38:15, 120:12, 121:10, 126:17, 126:24, 127:11, 127:12, 127:17, 127:23, 127:24, 128:6, 128:11, 143:18, 166:6, 166:16, 167:13 resolution - 136:12 respect - 36:18, 39:6, 104:24, 108:1, 141:23, 146:14, 157:12, 157:25, 165:22, 168:19, 171:5, 192:12, 195:9, 200:24 respond - 42:23, 43:1, 45:16, 46:16, 85:6, 166:6, 167:14, 196:3, 196:20, 203:22 responded - 230:4 responding - 230:3 response - 29:19, 29:21, 30:22, 38:23, 46:12, 54:15, 82:10, 89:23, 137:12, 137:13, 202:2, 232:5 responsibility - 94:25 responsive - 20:18 rest - 198:14, 198:19, 229:11, 229:12 result - 63:24, 66:2, 99:23, 148:20, 155:3, 174:4, 203:18 results - 121:19, 125:12 retroactive - 66:5, 162:18 retroactively - 162:6 return - 45:24, 86:24, 159:10, 159:20, 168:14, 188:6, 188:24 returned - 38:12, 39:18, 45:13, 66:16, 70:9, 73:4, 90:24, 188:4, 192:10, 199:21, 200:18, 212:6, 218:25 returning - 39:4, 73:2, 159:6, 228:4 returns - 153:2 revealed - 120:12 reversed - 137:25 reversible - 13:9 review - 81:8, 81:23, 81:25, 96:5, 99:15, 101:7, 101:8, 101:12, 101:15, 101:19, 102:1, 102:4, 102:13, 102:16, 103:22, 105:24, 111:20, 169:20, 193:2, 200:6, 202:21, 205:7, 213:17 reviewed - 96:7, 99:23, 103:16, 105:23, 160:7 reviewing - 52:14, 81:15, 96:11, 202:25 revision - 9:24, 180:5 ridiculous - 103:17 ridiculousness - 130:10 rights - 131:25, 231:11</p> | <p>Riley - 156:4 ring - 29:25, 66:19, 214:24 ringing - 30:14, 119:25, 121:12, 121:18, 145:10 riveted - 11:3 Road - 2:3, 2:18, 188:11, 216:4 road - 87:13, 88:3 Robert - 2:16, 51:5 roll - 14:20, 15:8, 15:14, 181:7, 213:17, 233:11, 233:20 Room - 1:9 room - 5:9, 45:10, 103:13, 230:24 route - 128:2 rule - 56:2, 56:7, 118:18, 119:9, 124:1, 124:6, 125:7, 137:22, 176:11, 197:15 rules - 91:15, 116:2, 123:24, 124:21, 141:20, 141:25, 142:4, 144:3, 144:11, 144:18, 145:3 Rules - 7:17 ruling - 116:9, 133:10, 230:16 rulings - 43:2, 141:24 run - 45:11 rung - 30:1, 30:2, 30:3</p> | <p>234:13, 234:15, 234:17, 234:19, 234:21, 234:23, 235:3, 235:5 Satriale's - 81:19, 168:23 save - 229:13 saw - 121:4, 149:2, 162:17, 172:9, 188:23, 215:1 schedule - 15:9, 104:13 scheduled - 24:7, 24:8, 29:7, 53:15, 78:3, 78:8, 78:12, 78:18, 87:22, 87:25, 153:9, 165:10, 165:13, 183:22, 183:25 Schoeneck - 2:6 School - 230:22 scribbled - 159:13 se - 150:25 season - 146:10 second - 32:23, 58:6, 58:9, 59:23, 60:2, 60:8, 88:8, 110:20, 115:14, 150:17, 157:22, 167:15, 167:16, 167:19, 167:21, 169:3, 169:10, 203:3, 207:9, 219:11, 229:21 seconds - 32:14 section - 51:18, 124:25, 125:12, 126:1, 139:13, 159:1, 205:7 Section - 53:12, 124:11, 138:19, 138:20, 153:2 see - 5:10, 5:16, 12:20, 12:22, 13:2, 19:5, 30:11, 40:1, 40:3, 45:16, 57:6, 63:6, 84:17, 84:21, 85:11, 93:23, 94:2, 105:12, 105:24, 106:11, 106:24, 108:1, 113:17, 117:9, 118:20, 120:7, 120:10, 121:6, 122:5, 129:2, 130:3, 150:18, 151:22, 156:10, 157:7, 168:1, 172:10, 179:14, 180:5, 187:23, 188:5, 188:13, 191:21, 195:14, 196:18, 198:22, 207:20, 214:25, 227:11 See - 220:8 selective - 132:3 self - 13:22 send - 33:5, 91:11, 201:9 sense - 76:14 sent - 3:22, 3:23, 3:24, 4:21, 32:10, 33:2, 66:18, 68:22, 169:25 sentence - 154:22, 205:7 Separate - 33:6 separate - 161:14, 161:18 September - 178:24, 179:7 Sergeant - 6:20, 6:21, 25:10, 25:13,</p> | <p>25:15, 25:18, 25:25, 26:1, 26:11, 26:16, 27:16, 30:19, 30:25, 31:14, 32:10, 34:13, 35:6, 36:11, 45:14, 45:22, 67:11, 70:19, 75:23, 80:2, 83:24, 84:6, 85:15, 87:13, 88:5, 105:15, 109:4, 109:15, 135:4, 135:5, 135:21, 164:21, 164:24, 165:7, 165:8, 169:19, 173:3, 173:23, 175:7, 177:3, 177:8, 178:1, 178:2, 179:6, 198:17, 199:23, 201:6, 203:4, 208:9, 233:16, 235:7, 235:9, 235:11 sergeant - 156:10 series - 21:23, 98:20, 107:6, 201:18 serious - 130:14, 131:15, 132:25, 133:8, 138:9 Seriously - 100:6 service - 39:24, 40:14, 40:20, 41:8, 42:9, 42:19, 43:5, 43:6, 43:8, 189:6 Service - 51:6, 51:8, 233:17 set - 13:14, 94:20, 94:22, 123:24 seven - 106:1 several - 52:15, 68:25, 70:2 shall - 156:11, 158:16, 158:22, 159:11 sheet - 14:20, 15:15, 233:11 Shield - 183:5 shift - 76:6, 88:6, 165:13, 165:18, 165:20, 168:2, 180:15, 183:25, 184:2, 184:6, 212:14, 212:17, 212:18, 213:14 Shop - 51:2 shop - 51:4 short - 104:3, 164:11 shortest - 74:20 shortly - 191:18 shot - 132:14 shots - 44:9 show - 24:12, 106:10, 106:23, 112:4, 130:9, 130:11, 168:4 showed - 54:10, 168:9 showing - 8:10 shown - 7:6, 7:11, 7:23, 8:18, 78:4, 135:9, 137:5, 142:16, 160:19, 169:15, 179:9 shuffle - 45:8 shuffling - 28:2 Sick - 113:21, 150:20, 154:14, 160:5, 160:22, 233:18 sick - 9:16, 10:9, 39:22, 46:10, 47:19, 48:10, 48:16, 49:4, 49:6, 49:23, 50:12, 52:14, 53:3, 53:8, 53:10, 53:17, 53:18,</p> |
|--|--|---|--|---|

| | | | | |
|--|---|---|--|---|
| <p>54:8, 54:23, 56:4, 56:9, 57:1, 67:25, 69:20, 70:22, 94:17, 104:11, 112:10, 112:11, 113:7, 113:15, 113:25, 114:11, 114:13, 114:15, 115:1, 117:10, 117:15, 118:6, 118:11, 118:19, 119:2, 125:17, 126:25, 127:17, 127:18, 129:24, 131:8, 133:22, 134:25, 137:23, 138:5, 148:21, 149:7, 150:21, 150:22, 150:24, 151:25, 152:2, 152:3, 152:5, 152:10, 152:20, 153:4, 154:22, 155:2, 155:8, 155:13, 155:17, 155:25, 156:11, 157:13, 157:18, 157:24, 158:4, 158:11, 158:16, 158:22, 159:2, 159:6, 159:11, 159:16, 159:21, 160:3, 160:11, 160:24, 161:2, 161:25, 162:1, 162:2, 162:5, 162:23, 163:9, 163:10, 163:14, 173:13, 174:1, 174:18, 175:11, 175:23, 180:16, 182:3, 190:7</p> <p>sign - 84:15, 93:9, 180:11, 193:15, 195:6</p> <p>signature - 9:3, 9:7, 9:25, 10:2, 179:17, 179:20</p> <p>signed - 3:12, 10:5, 92:24, 170:1, 180:17</p> <p>silent - 92:12</p> <p>similar - 25:19, 148:16, 231:4</p> <p>Similarly - 231:19</p> <p>single - 152:20, 153:4</p> <p>sit - 80:24, 87:8</p> <p>site - 123:20</p> <p>sitting - 73:11, 87:16, 87:19, 87:25, 90:8, 231:16</p> <p>six - 106:1, 176:7</p> <p>sixth - 107:23</p> <p>skip - 121:6</p> <p>skirt - 26:20</p> <p>slacked - 116:7</p> <p>slice - 51:19, 189:6, 219:17, 223:17</p> <p>slide - 57:20</p> <p>slipped - 72:11</p> <p>slipping - 72:9</p> <p>sloppy - 132:2</p> <p>slot - 110:23, 111:7, 166:8, 166:25</p> <p>smart - 129:10</p> <p>smoke - 51:9, 51:12</p> <p>someone - 51:22, 119:2, 119:8, 119:25, 121:11, 121:18, 122:7, 130:23, 131:1, 131:9, 136:8, 138:5, 138:10, 147:14, 147:19, 147:23, 160:3, 173:13, 215:3</p> | <p>sometimes - 99:4</p> <p>somewhere - 225:4</p> <p>soon - 96:13</p> <p>sorry - 8:1, 13:15, 17:21, 37:1, 46:15, 84:14, 135:5, 139:22, 147:12, 152:14, 177:20, 197:7, 200:14</p> <p>Sorry - 28:21, 48:4</p> <p>sort - 84:25, 132:2, 143:7, 197:19</p> <p>sounds - 44:11</p> <p>source - 22:14, 61:20, 209:23, 210:13</p> <p>speaking - 67:7, 157:3, 224:17</p> <p>Speaking - 20:2</p> <p>speaks - 114:2, 205:14</p> <p>specific - 15:10, 104:13, 105:20, 118:22, 119:4, 146:7, 186:7</p> <p>specifically - 78:14, 105:8, 117:20, 198:11, 199:4, 199:10</p> <p>specifics - 147:10, 226:22</p> <p>specified - 211:12, 218:10, 227:8</p> <p>specify - 227:10</p> <p>speeches - 232:10</p> <p>spelled - 152:23</p> <p>spend - 80:15</p> <p>spending - 143:17</p> <p>spent - 141:7, 143:8</p> <p>spoken - 36:10, 75:16</p> <p>square - 206:3</p> <p>stake - 129:11</p> <p>stamped - 10:14</p> <p>standard - 67:23, 68:3, 68:8, 93:2</p> <p>standing - 172:21</p> <p>Staring - 216:4</p> <p>start - 3:1</p> <p>started - 97:13</p> <p>starting - 153:7</p> <p>starts - 205:5</p> <p>state - 3:10, 165:1, 178:13</p> <p>State - 5:24, 164:16, 164:19, 178:10, 182:24, 183:2</p> <p>statement - 129:3</p> <p>statements - 92:16</p> <p>Station - 51:6, 51:8</p> <p>stationary - 185:25, 213:22</p> <p>Status - 137:24, 138:5</p> <p>status - 54:14, 65:22, 66:5, 66:9, 68:1, 69:20, 70:23, 104:11, 119:19, 157:15, 157:20, 159:8, 159:13, 160:8, 162:1, 162:6, 162:7, 162:18, 162:19, 162:23, 162:24, 163:1, 163:3</p> <p>statute - 231:6</p> <p>stay - 36:6, 126:24, 136:10, 215:21</p> <p>staying - 131:11</p> <p>stenographer - 186:6, 186:9</p> <p>stenographically - 95:4, 95:13</p> <p>Steven - 36:16,</p> | <p>183:4</p> <p>sticker - 10:21</p> <p>still - 21:16, 33:19, 33:22, 69:8, 97:11, 100:5, 116:5, 136:14, 177:10, 218:5</p> <p>stipulate - 26:17</p> <p>stipulation - 42:2</p> <p>stop - 99:4</p> <p>stopped - 54:9, 121:16, 156:6</p> <p>story - 91:10, 91:12</p> <p>straight - 192:7</p> <p>street - 212:23</p> <p>strike - 20:17, 21:3, 55:2</p> <p>stub - 176:24, 177:5</p> <p>stubs - 166:8, 177:12</p> <p>stuck - 10:20</p> <p>sub - 87:2</p> <p>subheading - 119:23</p> <p>subject - 26:10, 26:21, 128:23, 135:15, 137:8, 142:23, 143:7, 143:11, 143:12, 144:9, 176:5, 229:24</p> <p>Subject - 200:22</p> <p>submit - 97:5, 97:7</p> <p>submitted - 10:20, 19:21, 19:24, 23:1, 23:5, 23:12, 23:16, 203:4</p> <p>Submitted - 96:2</p> <p>subordinate - 86:25, 91:11</p> <p>subpoena - 33:25, 129:7, 229:18, 229:25, 230:8, 231:22</p> <p>subpoenaed - 129:4, 129:5</p> <p>subpoenaing - 128:21</p> <p>subpoenas - 230:17, 231:20</p> <p>subsection - 138:18, 156:24</p> <p>Subsection - 139:17, 142:20</p> <p>subsections - 151:23</p> <p>subsequent - 142:12</p> <p>substance - 47:24, 52:10, 83:9, 98:6, 98:9, 119:18, 144:24, 148:7, 176:8, 204:25, 217:19</p> <p>substitutable - 151:1, 152:8</p> <p>successful - 134:10</p> <p>sufficient - 79:15</p> <p>Suite - 2:7</p> <p>sum - 204:25</p> <p>summary - 137:14</p> <p>supervise - 87:23</p> <p>supervising - 87:15, 87:20, 88:3</p> <p>supervision - 165:9</p> <p>supervisor - 158:11, 158:16, 158:21</p> <p>supervisory - 143:16</p> <p>supplemental - 192:17, 192:18, 193:8, 194:7, 233:21</p> <p>supply - 231:7</p> | <p>suppose - 13:24</p> <p>supposed - 56:5, 67:24, 79:20, 101:4, 118:12, 137:21, 149:6, 154:25, 155:9, 174:11, 213:2</p> <p>supposedly - 88:21, 96:7</p> <p>Supreme - 129:8</p> <p>surgeries - 70:5</p> <p>surgery - 70:3, 70:10</p> <p>surrounding - 131:14</p> <p>suspend - 98:2</p> <p>suspended - 69:16, 96:12, 96:15, 101:3</p> <p>suspending - 96:16, 96:20</p> <p>suspension - 97:9, 98:14, 98:18, 139:21, 139:23</p> <p>sustain - 64:8, 204:18</p> <p>sustained - 64:11, 66:1, 204:20, 205:18, 206:11</p> <p>swear - 19:4, 172:13, 206:14</p> <p>swearing - 172:12</p> <p>swore - 61:21</p> <p>sworn - 5:23, 61:16, 160:1, 164:15, 178:9, 182:23</p> <p>Synopsis - 233:5</p> <p>synopsis - 105:22, 106:1, 107:23, 109:3, 110:2, 110:21, 112:9, 119:23, 122:4, 201:4</p> <p>system - 15:13, 16:19, 21:15, 31:17, 104:25, 105:5, 118:10</p> | <p>testified - 5:25, 23:15, 35:21, 49:15, 50:12, 63:8, 103:4, 146:6, 164:16, 178:10, 182:25, 202:5, 206:5, 210:3, 216:19, 216:22, 221:5</p> <p>testify - 61:1, 65:8, 112:1, 114:6, 120:5, 172:16, 217:4, 222:15</p> <p>testifying - 18:25, 26:8, 61:12, 78:7, 81:9, 120:25</p> <p>testimony - 33:25, 51:22, 52:23, 61:9, 61:16, 64:5, 74:6, 74:7, 114:9, 160:1, 163:20, 189:23, 204:21, 205:9, 206:2, 216:25, 218:21</p> <p>themselves - 84:20, 131:12</p> <p>theory - 201:19</p> <p>thereafter - 98:19</p> <p>thin - 20:7</p> <p>third - 38:19, 59:20, 60:4, 60:10, 60:18, 105:25, 107:23, 110:20, 118:23</p> <p>Thomas - 1:7, 3:25, 43:5</p> <p>three - 6:11, 9:25, 58:16, 58:19, 58:21, 58:24, 59:1, 59:4, 59:11, 59:24, 61:4, 61:17, 65:13, 65:17, 65:24, 70:1, 72:16, 76:15, 113:18, 121:15, 121:20, 177:9, 184:23, 222:24, 225:20</p> <p>Three - 120:4</p> <p>three-fifths - 113:18</p> <p>throughout - 183:14</p> <p>throw - 156:8</p> <p>Thursday - 79:3, 79:4, 79:6, 79:7, 79:9, 122:9, 122:11, 122:21, 123:4, 176:24</p> <p>Thursdays - 79:5</p> <p>tiny - 95:24</p> <p>title - 160:21</p> <p>Today - 120:25</p> <p>today - 69:15, 81:9, 94:10, 152:22, 216:19, 216:22, 222:4, 226:10, 226:11</p> <p>together - 81:6, 216:15</p> <p>Tom - 52:1, 185:1</p> <p>Tom's - 51:25</p> <p>tomorrow - 94:20</p> <p>tonight - 101:15, 101:21, 102:13, 106:13, 138:4, 204:22, 205:9, 205:25, 217:4, 222:24, 229:23, 231:16</p> <p>tonight's - 3:2</p> <p>took - 8:16, 47:12, 80:23, 115:13, 164:10, 178:6, 182:21, 207:11, 223:14, 224:1, 228:11, 232:6</p> <p>top - 42:4, 53:16, 154:13, 155:17, 193:11, 194:5</p> |
|--|---|---|--|---|

| | | | | |
|---|--|--|---|--|
| <p>topic - 150:24 Total - 35:11 total - 192:1 totally - 130:2, 201:20, 204:15 Totally - 141:4 tour - 24:8, 24:11, 24:12, 24:17, 25:7, 29:7, 52:19, 53:15, 158:21, 165:14, 165:15, 181:10, 181:12, 181:14, 184:2 Tour - 165:9, 181:7, 181:8, 212:16 towards - 188:11 town - 27:25 track - 156:8 transcript - 236:8 transmitted - 23:17 traveling - 191:4 treat - 130:25, 136:7 treated - 130:23, 131:3, 131:4, 131:19, 132:19, 135:23, 136:1, 136:8 treatment - 135:19, 152:8 trial - 231:7 tried - 66:23, 125:13, 208:9, 214:17, 214:19 truck - 35:17, 35:23, 36:8 true - 63:10, 72:15, 83:21, 210:6, 210:9, 216:22, 236:7 truly - 173:2 trust - 131:10 Trustee - 2:15, 2:16 truth - 142:3 try - 114:17, 122:8, 141:22, 209:24 trying - 124:20, 125:20, 136:5, 152:5 Tuckahoe - 51:2 Tuesday - 118:24 turn - 92:15, 113:14, 142:19 turned - 67:14, 92:10 twice - 221:5, 222:15, 222:19 two - 31:17, 65:12, 79:5, 84:19, 87:13, 125:6, 125:24, 177:9, 184:23, 212:22 type - 21:8, 151:24, 188:19, 188:20 typo - 154:18, 154:24, 155:4, 155:18, 158:17, 159:7 typographical - 156:16</p> | <p>158:15, 159:1, 159:10, 159:20, 172:17, 173:24, 206:16, 217:4, 222:20, 222:23, 231:6 Underhill - 2:16, 23:25, 27:2, 42:16, 44:5, 150:15, 177:16, 229:5 underline - 130:4 underlines - 107:6 understood - 127:10, 173:6, 198:10, 208:1, 222:8, 222:13 undue - 103:5 unenforceable - 232:1 uniformed - 53:17 units - 212:23 unknown - 34:17 unless - 3:20, 33:3, 214:7, 218:5 unmarked - 186:25 unresponsive - 20:23 unusual - 151:4 up - 8:8, 10:3, 24:12, 26:20, 36:22, 37:19, 53:24, 55:11, 68:13, 71:13, 73:19, 73:21, 73:24, 74:3, 78:4, 78:22, 87:21, 88:16, 94:20, 94:22, 101:16, 102:5, 106:9, 106:12, 106:14, 107:5, 114:3, 114:17, 115:12, 130:16, 132:15, 132:18, 141:5, 141:22, 144:8, 150:20, 153:25, 154:23, 162:21, 163:25, 164:1, 168:4, 168:9, 183:20, 196:16, 206:8, 214:21, 220:24, 221:19 update - 21:10 updates - 21:8 upper - 41:11 usage - 50:14 utilization - 133:22 utilized - 161:15</p> | <p>63:19, 87:14 violated - 28:2, 115:8, 124:25, 130:24, 131:1, 131:10, 134:25, 136:2, 139:16 violating - 54:25, 127:18, 129:23, 131:22, 137:22 violation - 46:9, 55:3, 94:17, 176:11, 197:16 virtue - 177:10 visit - 43:12, 147:6, 194:14, 194:20, 194:23, 195:7, 201:7, 213:9 visited - 133:21, 134:20 voice - 89:5, 185:1, 185:3, 185:5 voicemail - 37:10, 37:19, 88:15, 88:17, 88:21, 88:25, 89:1, 89:3, 89:4, 184:25, 212:7 voir - 22:3 Voir - 18:12, 18:14, 22:6, 32:19, 32:21, 234:5, 234:9 volume - 65:18 volunteer - 189:20, 227:20 volunteered - 189:23</p> | <p>43:17, 45:18, 48:1, 50:21, 127:24, 173:13, 175:14, 175:20, 189:3, 218:6, 218:9, 225:16 White - 2:3, 194:22, 194:24, 195:16 whoever's - 34:6 whole - 98:20, 150:23, 156:21 William - 2:15 wish - 101:18, 102:20, 116:10 withdraw - 206:12 withdrawing - 116:11, 116:13 Withdrawn - 91:5, 110:15, 172:1 Witness - 5:22, 164:14, 178:8, 182:23 witness - 3:7, 5:11, 5:14, 7:6, 7:9, 7:23, 8:18, 8:23, 15:3, 16:14, 18:6, 19:20, 20:25, 26:8, 32:3, 41:3, 42:20, 48:25, 55:24, 59:17, 78:7, 83:22, 100:18, 103:3, 103:16, 114:19, 120:14, 128:21, 131:17, 133:5, 135:9, 135:12, 137:5, 137:7, 140:11, 142:16, 142:18, 144:7, 160:19, 169:15, 169:18, 169:22, 174:20, 174:23, 179:9, 179:12, 182:8, 193:3, 200:7, 202:23, 205:10, 206:2, 206:4, 220:11, 225:13, 229:20, 229:21 witnesses - 230:9, 231:20 word - 11:2, 11:3, 54:5, 105:1, 151:22, 158:7, 158:13, 158:24, 225:2 words - 83:9, 98:6, 98:8, 105:20, 111:16, 111:21, 112:2, 119:18, 148:6, 151:2, 152:8, 176:8, 206:1, 217:14, 217:18, 224:22, 225:20 Workers' - 39:21, 54:7, 54:10, 161:18 worse - 138:12 worthy - 84:12 write - 19:6, 188:16 writing - 104:20, 138:7, 146:12, 225:5 written - 8:7, 56:13, 118:17, 118:22, 119:9, 119:13, 124:5, 125:6, 126:21, 126:22, 126:23, 127:1, 127:2, 145:14, 206:3 Written - 8:19, 124:4 wrote - 18:15, 18:19, 19:1, 19:6, 162:5, 162:16</p> | <p>Yeager - 1:9 year - 25:5, 60:6, 60:8, 60:10, 65:23, 66:6, 69:4, 73:18, 73:23, 74:1, 74:2, 74:4, 74:7, 74:8, 74:14, 74:16, 145:17, 146:8, 147:11, 175:4 year's - 73:20 years - 6:9, 6:10, 6:11, 6:12, 6:14, 65:24, 68:25, 70:1, 76:15, 109:22, 165:4, 175:10, 176:4, 183:12, 183:16 Yonkers - 51:7 York - 1:24, 2:3, 2:8, 2:18, 5:25, 164:16, 178:10, 182:25 yourself - 20:7, 190:13, 204:12, 219:9 yourselves - 230:12</p> |
| Z | | | | |
| <p>Zuccarelli's - 50:24, 51:1</p> | | | | |
| W | | | | |
| <p>Wait - 156:4 wait - 77:13, 80:20, 168:7, 168:9, 168:12 waited - 86:22, 185:17 waiting - 54:20, 188:1, 231:17 walk - 120:11, 215:1 Walked - 85:9 walked - 30:7, 30:9, 121:3, 144:9, 187:13, 214:21 walking - 30:14, 163:5 wandering - 131:13 wants - 81:17, 99:20, 105:7, 107:2, 206:2, 206:7, 206:20 Warning - 91:24, 92:2, 92:3, 92:19, 93:9, 93:12, 110:6, 110:11 warning - 92:3 waste - 203:17 wasting - 87:1, 205:15 wear - 84:15 Wednesday - 181:7 week - 72:8, 76:9, 77:7, 79:12, 163:7 weeks - 58:22, 65:13, 65:17 weight - 68:7 whack - 115:13 whatsoever - 119:17, 197:12, 220:21 whereabouts - 27:18, 29:14, 29:22, 30:16, 36:13, 36:21, 37:16, 38:4, 38:17, 39:6, 39:11, 40:11,</p> | | | | |
| V | | | | |
| <p>vacancies - 152:25 vacation - 136:4, 139:15, 139:20 vague - 115:19 validity - 230:16 vehicle - 35:16, 189:1, 190:23, 216:5 vehicles - 214:17 verbal - 56:16, 124:6 verify - 64:16, 118:12, 196:3, 196:10, 207:19 Vernon - 39:24, 40:8, 41:9, 191:10, 224:6 versus - 54:13, 65:14 video - 95:8, 95:13 Village - 1:1, 6:4, 7:16, 75:12, 178:18, 183:8, 183:11, 213:15, 229:11 village - 63:7,</p> | | | | |
| U | | | | |
| <p>unaware - 106:12 unclear - 115:19 uncorroborated - 42:21 Under - 29:5, 34:21, 155:21, 159:15 under - 13:1, 18:25, 20:12, 70:7, 73:1, 92:15, 106:1, 107:23, 110:21, 117:14, 119:23, 124:6, 125:16, 125:17, 141:3, 150:18, 153:6, 154:21, 156:10,</p> | | | | |
| Y | | | | |
| <p>yard - 120:13, 120:19, 120:21, 121:2, 121:4, 121:5, 142:13</p> | | | | |

VILLAGE OF BRONXVILLE
BOARD OF POLICE COMMISSIONERS

-----x
IN THE MATTER OF DISCIPLINARY CHARGES
DATED AUGUST 21, 2006,

- preferred against-

POLICE OFFICER THOMAS KEMPKE,

-----x
177 Pondfield Road
Bronxville, New York
January 10, 2007
6:30 p.m.

D I S C I P L I N A R Y H E A R I N G

CARBONE & ASSOCIATES, LTD.
Melissa Sasso
111 North Central Park Avenue
Hartsdale, New York 10530
(914) 684-0201

COPY

A P P E A R A N C E S:

LOVETT & GOULD, ESQS.
Attorneys for OFFICER KEMPKE
222 Bloomingdale Road
White Plains, New York 10605
BY: JONATHAN LOVETT, ESQ.

BOND, SCHOENECK & KING, PLLC
Attorneys for THE VILLAGE OF BRONXVILLE
POLICE DEPARTMENT
1399 Franklin Avenue
Garden City, New York 11530
BY: TERENCE M. O'NEIL, ESQ. and
CHRISTOPHER KURTZ, ESQ.

ALSO PRESENT:
THE BOARD OF POLICE COMMISSIONERS -
MARY C. MARVIN - MAYOR
GLENN D. BELLITTO - DEPUTY MAYOR
WILLIAM BARTON, JR. - TRUSTEE
ANNE POORMAN - TRUSTEE
ROBERT UNDERHILL - TRUSTEE

HITSMAN, HOFFMAN & O'REILLY, LLC.
COUNSEL TO THE BOARD
570 Taxter Road
Elmsford, New York 10523
BY: JOHN F. O'REILLY, ESQ.

Direct - Downey

366

1 MAYOR MARVIN: Okay, I'm going to
2 reopen the Village of Bronxville
3 disciplinary hearing that was begun on
4 December 13th. I am just going to
5 double-check, Mr. O'Neil, that the
6 Village's direct case is completed.

7 MR. O'NEIL: That is correct.

8 MAYOR MARVIN: Okay, then we will
9 proceed with Officer Kempkes' case. Mr.
10 Lovett, would you like to begin?

11 MR. LOVETT: Yes, I would. We call
12 Chief Downey.

13 MR. O'REILLY: Would you re swear
14 the witness, please?

15 C H I E F B R I A N M I C H A E L D O W N E Y,
16 the Witness herein, after having been first duly
17 sworn by Melissa Sasso, a Notary Public of the
18 State of New York, was examined and testified as
19 follows:

20 DIRECT EXAMINATION BY MR. LOVETT:

21 Q Are you employed, sir?

22 A Yes, I am.

23 Q By whom?

24 A The Village of Bronxville.

25 Q In what capacity?

Direct - Downey

367

1 A Chief of Police.

2 Q How long have you held that
3 position?

4 A Six years.

5 Q Prior to being Chief what did you
6 do for a living?

7 A A Lieutenant.

8 Q A Lieutenant where?

9 A Village of Bronxville.

10 Q How long were you a Lieutenant for,
11 approximately?

12 A Two years.

13 Q Pardon me?

14 A Two years.

15 Q Prior to that what did you do?

16 A Detective Sergeant.

17 Q How long did you hold that rank?

18 A Six years.

19 Q Was that an administrative title or
20 a civil service title?

21 A Detective Sergeant was an
22 administrative title.

23 Q Did you hold the rank of Sergeant
24 at the time you were a Detective Sergeant?

25 A Yes.

Direct - Downey

368

1 Q When were you appointed first as a
2 Sergeant?

3 A Same time as I was appointed
4 Detective Sergeant.

5 Q And you joined the department when?

6 A 1986.

7 Q During the period of time that you
8 have been Chief of Police did you have occasion to
9 familiarize yourself with the departmental rules
10 and regulations?

11 A Yes.

12 Q Is there a rule or regulation, to
13 your knowledge, that specifically governs Section
14 207C proceedings or applications?

15 A Not that I'm aware of.

16 Q Well, have you ever seen such a
17 rule or regulation in this department?

18 A Not that I recall.

19 Q Is there anything you could use to
20 refresh your memory?

21 A The rules and regulations,
22 possibly.

23 Q Now, according to Lieutenant
24 Satriale, you told him, meaning the Lieutenant,
25 that you suspended Officer Kempkes, is that true?

Direct - Downey

369

1 A At what time, sir?

2 Q In 2006 did you tell that to the
3 Lieutenant?

4 A Yes.

5 Q And had you in fact suspended my
6 client?

7 A Yes.

8 Q You preferred charges that are at
9 issue under Section 5711-Q of the Unconsolidated
10 Laws, didn't you?

11 A Yes.

12 Q Have you ever looked at that
13 section of law?

14 A No.

15 Q What was your authority to your
16 then knowledge for suspending my client without
17 pay?

18 A Consultation with my Counsel.

19 Q Well, I'm going to read you
20 something from Section 5711-Q, and then I have a
21 question for you. It's Section 5711-Q of
22 Unconsolidated Laws of New York, Subdivision 9
23 which pertains to discipline and charges, and it
24 provides for, the end of Subsection 9, such Board
25 of Trustees or municipal board shall have the power

Direct - Downey

370

1 to suspend without pay pending the trial of charges
2 by any member of such police force. Have you ever
3 read that language?

4 A No.

5 Q With respect to the payless
6 suspension that you put my client on, did you have
7 the approval, to your knowledge, of the Village
8 Board, or the Board of Police Commissioners?

9 A No.

10 Q After you put my client on a
11 payless suspension did you then secure the approval
12 of the Village Board or Board of Police
13 Commissioners?

14 A No.

15 Q Did you tell the Board of Police
16 Commissioners or Village Board when you suspended
17 my client that you had done so?

18 A No.

19 Q At some point in time you changed
20 my client's status from suspended without pay to
21 suspended with pay, right?

22 A Yes.

23 Q Why did you do that?

24 MR. O'NEIL: I'm going to object.

25 In terms of any suspensions that occurred,

Direct - Downey

371

1 I don't know what relevancy they have to
2 the charges, or which involvement preceded
3 the suspension.

4 MR. O'REILLY: Mr. Lovett?

5 MR. LOVETT: He dropped his voice
6 and I couldn't hear the last melodic
7 strand of his statement.

8 MR. O'NEIL: The last melodic
9 strands?

10 MR. O'REILLY: Okay. Could you read
11 it back, please?

12 (Whereupon, the testimony was read
13 back by the reporter.)

14 MR. LOVETT: Well, the relevance is
15 that the Chief of Police violated my
16 client's right by suspending him without
17 pay. The Chief had no authority to do
18 that. It was only the power of the Village
19 Board of Police Commissioners who could
20 suspend without pay, and we intend to show
21 in our post hearing submission that the
22 Chief violated the law wholesale in
23 several respects, but I think it is
24 germane so you know what you are dealing
25 with here.

Direct - Downey

372

1 MR. O'NEIL: If in fact the
2 suspension did violate the law, Mr. Lovett
3 has read only one portion of the statute.
4 There are other provisions in that statute
5 which we believe authorized the Chief to
6 make the suspension, but if in fact there
7 is an allegation that that suspension was
8 illegal, it has nothing to do with this
9 proceeding. That would be a separate issue
10 that ought to be pursued, frankly, in
11 another form.

12 MR. LOVETT: It will be, but if you
13 like I can give you 5711-Q and \$100.00
14 right here if you can find anything in
15 here where it says the Chief can suspend
16 any member without pay.

17 MAYOR MARVIN: I'm prepared to
18 overrule the objection.

19 (Whereupon the Board was polled.)

20 MAYOR MARVIN: All right, objection
21 overruled.

22 MR. LOVETT: Thank you.

23 Q Now would you answer my question,
24 why did you change the status from suspended
25 without pay to suspended with pay?

Direct - Downey

373

1 A On advice from Counsel.

2 Q Forgetting what Counsel said, did
3 something happen factually with respect to my
4 client on the basis of which you changed his status
5 to suspended with pay?

6 A Again, on the advice of Counsel.

7 Q I'm not asking you what Counsel
8 said.

9 A On the advice of Counsel.

10 MR. O'NEIL: I'm going to object to
11 any testimony about what we told him. It
12 is privileged.

13 MR. LOVETT: I concur. I'm not
14 asking for that. I'm asking whether there
15 was some fact that the Chief became aware
16 of concerning my client or his conduct
17 that prompted him to change the status,
18 and I'm not asking what you said to him.

19 MR. O'NEIL: Objection. There is
20 nothing in the record that he is the one
21 that changed the status.

22 MR. LOVETT: Okay, I withdraw the
23 question.

24 Q Didn't you just testify, Chief,
25 that you changed my client's status from suspended

Direct - Downey

374

1 without pay to suspended with pay?

2 A Yes.

3 Q You are familiar with some of the
4 rules and regulations of your department, aren't
5 you?

6 A Yes.

7 Q Have you ever told my client that
8 he was required to remain in his house on the date
9 we have been discussing in this proceeding because
10 of the provision of Chapter 19, Section 2.0 of the
11 department rules and regulations?

12 MR. O'NEIL: Objection. Just so we
13 make it clear, there are a lot of dates
14 that have been discussed during the course
15 of this proceeding, and just so the record
16 is clear, what date is he talking about?

17 Q Okay. Chief, you charged my client
18 with leaving his house, amongst other things, to
19 get a slice of pizza on what date?

20 A I believe it was July 6th of 2006.

21 Q Of what year?

22 A 2006.

23 Q Okay. And did you ever tell my
24 client based on his, amongst other things, getting
25 a slice of pizza instead of staying in his house

Direct - Downey

375

1 that that was improper because of the provisions
2 contained in Chapter 19, Section 2.0 of the
3 department rules and regulations?

4 MR. O'NEIL: Objection. There is no
5 foundation that he had any conversation
6 with Officer Kempkes about this incident
7 at all.

8 MR. LOVETT: That is why I'm asking
9 him, because the answer is going to be no,
10 and then it's going to turn out that he
11 wrote it in a memo which I'm going to show
12 him, and put into evidence to show you
13 that the Chief and Lieutenant have been
14 making this case up from day one, because
15 he said that the requirement that my
16 client stay at his house was under Chapter
17 19, Section 2.0, and there is no such
18 chapter or section. So I'll tell you what,
19 we will save Mr. O'Neil his voice. I would
20 like marked as Charged Party's A, I
21 guess --

22 MR. O'REILLY: That's right.

23 MR. LOVETT: -- a memorandum dated
24 May 26th of '05 from the Chief to my
25 client.

Direct - Downey

376

1 (Whereupon, a memo was received and
2 marked as Charged Party's Exhibit A, for
3 identification, as of this date.)

4 Q Chief, would you take a look at
5 what we've marked as Charged Party's A for
6 identification and tell me if you recognize that
7 memorandum.

8 (Whereupon, the witness peruses a
9 document.)

10 A Yes, I do.

11 Q Is that something that you wrote?

12 A Yes, it is.

13 Q Next to your printed name and the
14 reference to Chief of Police, did you put that
15 initial and circle it?

16 A Yes, I did.

17 Q Did you cause this memo to be given
18 to my client?

19 A Yes, I did.

20 Q Take a look at the second paragraph
21 where it states --

22 MR. LOVETT: Well, actually, I move
23 it into evidence.

24 MR. O'NEIL: No objection.

25 MAYOR MARVIN: Okay, this document

Direct - Downey

377

1 will be in evidence.

2 (Whereupon, Charged Party's Exhibit
3 A, previously marked for identification
4 was received in evidence.)

5 Q Calling your attention to the
6 second paragraph, you see where it says "as you
7 have been reminded in the past pursuant to Chapter
8 19, Section 2.0 of the department rules and
9 regulations, if you are absent from work due to
10 illness or injury you must remain at your residence
11 during the hours of your regularly scheduled tour,"
12 do you see that?

13 A Yes, sir.

14 Q What is your factual basis for
15 reference Chapter 19, Section 2.0?

16 A It is rules and regulations of the
17 department.

18 Q Did you know there is no chapter or
19 section of that nature?

20 A I know there is a chapter and
21 section of that nature.

22 Q Oh. The rules and regulations of
23 the department are in evidence, and I would like
24 whatever they are to be shown to the Chief. I
25 think it's --

Direct - Downey

378

1 MR. O'REILLY: 2.

2 MR. LOVETT: 4.

3 MR. O'NEIL: Would you refer to the
4 whole title of that document when you are
5 making reference to it?

6 MR. LOVETT: Really.

7 MR. O'NEIL: Rules and Regulations
8 Duties Rules of Conduct is the title.

9 MR. LOVETT: Oh, forgive me,
10 Counsel. Have you got that?

11 MR. O'REILLY: It's Department's 2.

12 MR. LOVETT: 2.

13 (Whereupon, a document was handed
14 to the witness.)

15 A Thank you.

16 Q Do you have Department's 2 there,
17 Chief?

18 A Yes, I do.

19 Q Would you turn to Chapter 19,
20 Section 2.0, please?

21 A This is the supplement of the rules
22 and regulations. I would need to refer to a copy
23 of the rules and regulations of the department.

24 Q So what you are holding,
25 Department's 2, is not the rules and regulations of

Direct - Downey

379

1 the department?

2 A It's a supplement to the rules and
3 regulations of the department.

4 Q Did my client ever ask you to
5 provide him with a copy of Chapter 19, Section 2.0?

6 A Yes, he did.

7 Q How many times?

8 A I don't recall.

9 Q Did he do it in writing or
10 verbally, or both?

11 A Writing.

12 Q And on the first occasion he did
13 that what did you give him?

14 A I don't recall.

15 MR. O'NEIL: I'm going to object to
16 this line of questioning. The charges at
17 issue allege violations of the rules and
18 regulations, duties rules of conduct which
19 you do have before you in evidence. They
20 also allege violations of the orders that
21 are also in evidence. It's not making any
22 reference to the section that Mr. Lovett
23 is making reference to now.

24 MR. LOVETT: That is my point. My
25 client was charged with violating a sick

Direct - Downey

380

1 leave policy, which I think members of
2 this Village Board of Police Commissioners
3 will probably full well appreciate has
4 nothing to do with the charges, because
5 the language about staying home and
6 calling in sick is limited to
7 circumstances where somebody is sick,
8 S-I-C-K, and nothing to do with job
9 disability. What the Chief said in the
10 memorandum that we've offered as A for ID
11 now in evidence says that the requirement
12 to remain in the residence derives not
13 from Exhibit 3A in evidence, but from
14 Chapter 19, 2.0 of the rules and
15 regulations.

16 MR. O'NEIL: Actually --

17 MR. LOVETT: And, excuse me, I
18 didn't finish. If that is the case you've
19 got to wonder why he didn't charge that in
20 the written charges that are the predicate
21 of this proceeding, and why in God's name
22 they did not give you a copy of the rules
23 and regulations that they claim required
24 my client to stay in his house during his
25 tours of duty when he was "sick or

Direct - Downey

381

1 injured. "

2 MAYOR MARVIN: I'm prepared to
3 overrule the objection.

4 MR. O'NEIL: Could I just be heard
5 briefly on that?

6 MAYOR MARVIN: Yes.

7 MR. O'NEIL: Just so it's clear, as
8 you try to follow along, the charges that
9 are in evidence as Department's Exhibit 1
10 are not making reference to the rules and
11 regulations. They are making reference to
12 Section A6 of the sick leave policies and
13 procedures, which Officer Kempkes signed
14 for. They are very specific about this
15 issue. There is no reference in any of
16 these charges in the sections of the rules
17 and regulations he is making reference to.

18 MR. LOVETT: And the reason is the
19 Chief's memo, Exhibit A in evidence,
20 contained a con calculatedly false
21 reference to a non existing chapter and
22 section in the rules. My client will show
23 you where he asked three times in writing
24 to be given that, because the rules, not
25 the supplement, don't have it, and the

Direct - Downey

382

1 Chief ignored him, and my client right now
2 is going to get the rules that the Chief
3 says contained Chapter 19, Section 2.0.
4 They don't. What I want you to see is that
5 the Chief, perhaps with the help of
6 Counsel, is trying to hoodwink you,
7 because he believed, or falsely asserted
8 in writing in Exhibit A that the source of
9 the you must stay home provision is in
10 Chapter 19, 2.0, not in the sick leave
11 policy 3A in evidence, because on its
12 face, no matter how you read it it does
13 not require anyone to stay home unless, A,
14 they call in, which my client didn't do on
15 July 6th, and B, they call in sick, which
16 he didn't do, because he was not sick.
17 This is a smoke and mirrors routine
18 attempt to purpurate a fraud on you, and I
19 don't think you ought to allow it, whether
20 Mr. O'Neil objects or not.

21 MAYOR MARVIN: I'm prepared to
22 overrule the objection.

23 (Whereupon the Board was polled.)

24 MAYOR MARVIN: Objection overruled.

25 MR. LOVETT: Thank you. Could you

Direct - Downey

383

1 read back the question?

2 (Whereupon, the testimony was read
3 back by the reporter.)

4 MR. LOVETT: Lets mark as Charged
5 Party's B for ID a July 21, 2005 memo from
6 my client, and I'll stop at that for the
7 moment.

8 (Whereupon, a memo was received and
9 marked as Charged Party's Exhibit B, for
10 identification, as of this date.)

11 Q Chief, would you take a look at
12 Charged Party's B for ID and tell me if you have
13 seen that before?

14 (Whereupon, the witness peruses a
15 document.)

16 A I don't recall.

17 Q Okay, why don't you take a look at
18 what we are going to mark as Charged Party's C for
19 ID?

20 (Whereupon, a memo was received and
21 marked as Charged Party's Exhibit C, for
22 identification, as of this date.)

23 Q Chief, take a look at Charged
24 Party's C for ID and tell me if you recognize that.

25 (Whereupon, the witness peruses a

Direct - Downey

384

1 document.)

2 Q Do you recognize it?

3 A I don't recall.

4 MR. LOVETT: Okay, let's mark as
5 Charged Party's D for as ID a memo dated
6 9/6/05. It has your name on there. It's
7 from my client.

8 (Whereupon, a memo was received and
9 marked as Charged Party's Exhibit D, for
10 identification, as of this date.)

11 Q Could I have the rules and
12 regulations back?

13 (Whereupon, a document was handed
14 to Counsel.)

15 Q Take a look at Charged Party's D
16 for ID and tell me if you recognize that.

17 (Whereupon, the witness peruses a
18 document.)

19 A Yes, I do.

20 Q You recognize that?

21 A Yes, I do.

22 Q What do you recognize D to be?

23 A A departmental electronic e-mail
24 sent to me from Officer Kempkes.

25 MR. O'REILLY: Excuse me a second.

Direct - Downey

385

1 Did Mr. Lovett, did you say you intend to
2 call Lieutenant Satriale?

3 MR. LOVETT: No, I told him and I
4 told Chris that I don't need him.

5 MR. O'REILLY: You don't need him?
6 Because I saw him sitting here and I
7 became concerned.

8 MR. LOVETT: No, that is not a
9 problem. He can stay if he wants. Thank
10 you.

11 Q I'm sorry, did you answer?

12 A Yes.

13 Q What is it?

14 A A Bronxville Police Department
15 departmental electronic e-mail sent to me from
16 Officer Kempkes.

17 Q You received that from him?

18 A Yes, I did.

19 Q When?

20 A I don't know. I can't tell you
21 that.

22 MR. LOVETT: I offer D into
23 evidence.

24 MR. O'NEIL: No objection.

25 MAYOR MARVIN: Okay, that document

Direct - Downey

386

1 will be in evidence, D.

2 (Whereupon, Charged Party's Exhibit
3 D, previously marked for identification
4 was received in evidence.)

5 Q Now, the Village of Bronxville
6 Police Department Rules and Regulations Duties and
7 Rules of Conduct which are in evidence as
8 Department's 2 you say is a supplement?

9 A Yes, sir.

10 Q The supplement is the only thing
11 that has been distributed to the sworn members of
12 the department, isn't that true?

13 A No.

14 Q When was what you call the
15 underlying rules distributed?

16 A I'm sorry?

17 Q You say there is an underlying
18 rules that this is a supplement to, Exhibit 2.

19 A Right.

20 Q When was the underlying set of
21 rules distributed to anybody?

22 A I can only tell you when I received
23 mine.

24 Q When did you get yours?

25 A May 19, 1986.

Direct - Downey

387

1 Q Thereafter, have you ever
2 distributed that or an underlying set of rules to
3 anybody?

4 A No.

5 Q Has anybody such as my client ever
6 said to you that the underlying set of rules does
7 not contain the provision that you said it does in
8 your memo, which is Charged Party's A, that is that
9 the Section 2.0 of Chapter 19 does not require
10 someone to stay in their home if they call in sick?

11 A No.

12 Q No what?

13 A The answer to your question. No
14 one has ever said that to me, other than your
15 client right now.

16 Q And it's your sworn testimony then
17 that Chapter 19, Section 2.0 says in words or
18 substance that if a member of the department, sworn
19 member is absent from work due to illness or injury
20 that person must remain in their residence during
21 the hours of their regularly scheduled tour?

22 MR. O'NEIL: I object. Obviously the
23 best evidence of what that document says
24 is the document, itself. I renew the
25 objection to this line of questioning,

Direct - Downey

388

1 Department's Exhibit 4, which is in
2 evidence which goes back to 2003 is a
3 document signed by Officer Kempkes,
4 wherein he accepted the forfeiture of 20
5 hours of compensatory time, and a 12 day
6 suspension not for violating any rules and
7 regulations, for violating the same sick
8 leave policy and procedures that is
9 contained in the charges in this
10 proceeding. It doesn't go back to stay at
11 home, you can't leave your home which
12 relates to paragraph 6, not calling before
13 you leave, and leaving the home without
14 the call.

15 The procedures that Mr. Lovett is
16 making reference to are not mentioned in
17 these charges, because that is not what
18 these charges are about. There are other
19 rules in the document that he has made
20 reference to that were in effect and had
21 relevance in 2005, but they certainly
22 don't have any relevance to the charges he
23 settled, or to the charges that are at
24 issue in these proceedings. Those are
25 related to a specific sick leave policy

Direct - Downey

389

1 and procedure. It was put into effect. It
2 was acknowledged as being received by
3 Officer Kempkes, and in fact it was
4 violated. So I don't know why we would be
5 going back to 2005 when we are talking
6 about a 2006 case, or going back to rules
7 and regulations that are nowhere mentioned
8 in these charges.

9 MR. LOVETT: I'm surprised Counsel
10 can keep a straight face when he tells you
11 that. The reason I'm urging you to go back
12 and look at, first of all, I'm sure
13 Counsel can produce that document for you
14 so you can look at what the Chief claims
15 to be the underlying rules and regulations
16 so that we can find out what his answer
17 would be if he hadn't had that last
18 interjection interposed, because there is
19 no way in the world that the underlying
20 rules which have in fact not been
21 distributed to the members of the
22 department provides what the Chief falsely
23 asserted in Charged Party's A. That is why
24 all the bluster and trying to go back to
25 this command discipline to compound the

Direct - Downey

390

1 meadow muffin, as I referred, to divert
2 your attention. 3A in evidence does not
3 require someone calling in sick. I'm
4 sorry, it does not require somebody such
5 as my client who is not calling in sick to
6 remain in their home. It does specifically
7 provide in the language if you call in
8 sick then you are obligated under that
9 policy to remain in your home, and it also
10 says what happens when you are calling in
11 or you are returning to work. It has
12 nothing to do with the false
13 representation made by Downey, Chief
14 Downey in Charged Party's Exhibit A.

15 So why don't you direct the Chief
16 to produce the underlying supposed rules
17 and regulations so this bluff can be
18 called, because I'm telling you from what
19 I understand of Chapter 19, Section 2.0,
20 it does not say where the Chief falsely
21 wrote, perhaps with the assistance of
22 Counsel, and that is why the charges are
23 based on something which on its face does
24 not require anybody in my client's
25 position to stay in their house. They know

Direct - Downey

391

1 it. If you want to let them slide a fraud
2 by you don't follow-up on my suggestion,
3 but I think you ought to look at the
4 underlying rules and regulations, because
5 the Chief is lying to you, as he lied to
6 my client in Charged Party's A.

7 MAYOR MARVIN: I'm prepared to
8 overrule the objection.

9 (Whereupon the Board was polled.)

10 MAYOR MARVIN: Objection overruled.

11 MR. LOVETT: Thank you.

12 Q So, Chief, tell the Board under
13 penalty of perjury whether in Chapter 19, Section
14 2.0 of the department rules and regulations it says
15 in words or substance that if a sworn member of the
16 department is absent from work due to illness or
17 injury that individual must remain at their
18 residence during the hours of their regularly
19 scheduled tour, yes or no?

20 MR. O'NEIL:: Just so it's clear to
21 me, I have an objection. Are you going to
22 allow him to testify about what is in a
23 written document? Is that the objection
24 that is overruled?

25 MR. O'REILLY: No, he's allowed to

Direct - Downey

392

1 answer the question as asked.

2 MR. O'NEIL: He's going to testify
3 as to what is in a written document?

4 MR. LOVETT: No, what it says in
5 words or substance, as he managed to
6 paraphrase himself in Exhibit A.

7 MR. O'REILLY: He's going to answer
8 the question he was asked.

9 Q Would you answer the question,
10 Chief? It's a yes or a no.

11 A I can't answer that question.

12 Q Why not?

13 A Because I don't recall in words or
14 substance what it says, at this point in time.

15 Q Well, take a look at Exhibit A,
16 second paragraph where you, yourself, said to my
17 client, "as you have been reminded in the past
18 pursuant to Chapter 19, Section 2.0, etc.," doesn't
19 that jog your memory as to what actually is
20 contained in Chapter 19, Section 2.0?

21 MR. O'NEIL: Seriously, this is
22 exactly why the rule exists. To ask
23 somebody to try to remember what is in a
24 written document when the written document
25 exists, and you can all look at it, is the

Direct - Downey

393

1 reason why the best evidence rule exists,
2 so someone doesn't have to remember what
3 is written when you can look at the
4 written document and see what it says. If
5 you're going to allow him to testify about
6 this have him produce the document.

7 MR. LOVETT: Why don't you do that
8 and put an end to this charade.

9 MR. O'NEIL: Don't --

10 MR. LOVETT: Excuse me, don't
11 interrupt me. He has the underlying rules,
12 and he has not produced them because he
13 knows perfectly well I'm right, and the
14 Chief's pretense at memory failure is
15 strategic. How in God's name could he
16 write what is in Exhibit A if he didn't
17 understand what was supposedly in Chapter
18 19, 2.0? He wrote it. He signed it. He
19 sent it. So now we are supposed to believe
20 that Alzheimer's has suddenly kicked in
21 and he doesn't remember what's in the
22 document that he paraphrased?

23 MR. O'REILLY: All right. Do you
24 have the document, Mr. Lovett?

25 MR. LOVETT: I thought I might, but

Direct - Downey

394

1 my client doesn't have it with him.

2 MR. O'REILLY: Do you have it, Mr.
3 O'Neil?

4 MR. LOVETT: If you do let me have
5 it. I will offer it as an exhibit.

6 MR. O'NEIL: If you tell me to give
7 it to him I will, otherwise I'm not giving
8 him anything.

9 MR. O'REILLY: Would you please give
10 him the document?

11 MR. O'NEIL: Excuse me, Mr. Lovett,
12 go sit down and I'll bring it to you when
13 I find it.

14 MR. LOVETT: No, that's all right.
15 I'll wait for you to find it. I wouldn't
16 want you to have to get up and --

17 MR. O'NEIL: Excuse me, but could
18 you ask him to please sit down and I will
19 bring it over to him when I find it?

20 MR. LOVETT: You said you got it, so
21 c'mon, hand it over. Now we are going to
22 play shovel the papers?

23 MR. O'REILLY: Mr. Lovett, would you
24 please take your seat and he will bring
25 you the document when he finds it?

Direct - Downey

395

1 MR. LOVETT: I'm sitting down. This
2 charade is coming back to bite you,
3 Counselor, not me.

4 (Whereupon, a document was handed
5 to the witness.)

6 MR. LOVETT: Can we have a minute,
7 please?

8 MAYOR MARVIN: Yes.

9 MR. O'REILLY: Sure.

10 MR. LOVETT: Thank you.

11 (Whereupon, a short recess was
12 taken.)

13 MR. LOVETT: I would like to have
14 marked as E for identification a
15 multi-page document, the first page of
16 which makes reference to Police Manual
17 under cover of a November 25, 1964 memo,
18 and the document, itself, is bait stamped,
19 that is B-A-I-T, as 003, and nothing else
20 has got a stamp on it at all.

21 (Whereupon, a document was received
22 and marked as Charged Party's Exhibit E,
23 for identification, as of this date.)

24 Q Do you have Exhibit 4 there, Chief?

25 MR. O'REILLY: Department's 4 you

Direct - Downey

396

1 are talking about?

2 MR. LOVETT: Board's 4 or
3 Department's 4, the rules and regulations.

4 MR. O'REILLY: I believe that 2.

5 A 2.

6 Q Yes, do you have that?

7 A Yes.

8 Q Would you tell the Board where it
9 says in that document that that is a supplement to
10 the rules and regulations?

11 A Well, I don't see anywhere where
12 this says it's a supplement.

13 Q Pardon me?

14 A I said I don't see anywhere where
15 it says supplement.

16 Q Then why did you call it a
17 supplement?

18 A Because it is.

19 Q Who adopted the supplement, to your
20 knowledge?

21 A It was given as a supplement to the
22 original rules and regulations by Chief
23 Steinmuller.

24 Q It's not your belief, I take it,
25 that Exhibit 2 was intended to supercede Exhibit E?

Direct - Downey

397

1 A No, I know it's not.

2 Q What?

3 A I know it's not to supercede. It's
4 the supplement.

5 Q And is there a reason that the
6 supplement doesn't exist in Exhibit 2, right?

7 A I didn't issue it, sir. I don't
8 know why.

9 Q And is there a reason why when
10 Exhibit 2 was offered into evidence it was not
11 offered in as a supplement? It was offered in as
12 the department rules and regulations, don't you
13 remember that?

14 A I don't know how it was offered in,
15 no.

16 Q You were here, present, when that
17 document was offered, weren't you?

18 A Yes.

19 Q And you don't recall how it was
20 offered in?

21 A No, I don't recall.

22 Q You don't recall thinking that is
23 incorrect, it's just a supplement?

24 A I don't recall how it was offered
25 in.

Q I'm going to read you something from what you claim are the underlying rules, Exhibit E, Chapter 19, Section 2.0, the heading of which says --

MR. O'NEIL: I'm going to object to you reading anything that is not in evidence, or identified by the witness.

MR. LOVETT: Oh, you're right.

Forgive me. Forgive me.

Q Take a look at what your attorney represents are the underlying rules and regulations, Chief, and tell me if he spoke truthfully?

A They appear to be a copy of the
Bronxville Police Department Rules and Regulations.

Q It is a copy, isn't it?

A It appears to be, yes.

Q You have somewhere in your possession, custody, and control a signed receipt signed by my client for a copy of that, right?

A No.

MR. O'NEIL: Objection.

Q No?

MR. O'NEIL: Of what?

MR. LOVETT: He already answered no.

Direct - Downey

399

1 MR. O'NEIL: Objection.

2 MR. LOVETT: To what? He already
3 answered. He said no.

4 Q How is it, Chief --

5 MR. O'NEIL: I have an objection.
6 Can I get a ruling so we don't get into a
7 confused record?

8 MR. O'REILLY: Can we hear Mr.
9 O'Neil, please?

10 MR. O'NEIL: Can you read back the
11 last question where he said something
12 about a receipt for a copy of that?

13 (Whereupon, the last question was
14 read back by the reporter.)

15 MR. O'NEIL: He has in his hand
16 right now, or in front of him, or in his
17 lap, two different document.

18 MR. LOVETT: I'm talking about E. I
19 believe everyone understood that.

20 MR. O'NEIL: You know, I know she
21 can't take us both down.

22 MR. LOVETT: No, excuse me.

23 MR. O'NEIL; I'm not finished
24 speaking, Mr. Lovett.

25 MR. LOVETT: Excuse me.

Direct - Downey

400

1 MR. O'NEIL: Can I please have --

2 MR. LOVETT: It is perfectly clear
3 that you want to create confusion on the
4 record. Let me rephrase the question where
5 he --

6 MR. O'NEIL: I want to create
7 confusion?

8 MR. O'REILLY: All right, hold on.
9 Can we hear from Mr. O'Neil first, and
10 then you?

11 MR. LOVETT: Fine, I'll withdraw my
12 last question so he can babble about
13 nothing.

14 Q My question is, Chief, take a look
15 at Exhibit E which you are holding, not the Exhibit
16 2 which you are not holding, and tell me whether
17 you have a receipt signed by my client for Exhibit
18 E?

19 MR. O'NEIL: I have an objection.
20 Just so it's clear, at some point in this
21 proceeding there has to be an explanation
22 as to how someone puts up with what he
23 does here.

24 MR. LOVETT: It's easy. They don't
25 want to hear you lie. You said the Chief

Direct - Downey

401

1 is holding two documents. Exhibit 2 is not
2 in his hand, Counselor. It's on the floor.
3 It's on the stoop.

4 MR. O'NEIL: You know, I've remained
5 quiet while he babbles on and on. I do it
6 because this is very valuable time for
7 everybody on this panel. There is lots of
8 conduct that he has engaged in that is
9 incredibly objectionable. I remain quiet
10 because I think this Board's time is
11 valuable. I can make this into an eight
12 day proceeding if I objected to all of it.
13 He makes the most outrageous accusations
14 because he's covered by a privilege,
15 perhaps. If he's not covered by the
16 privilege then the outrageous comments he
17 makes he will be held responsible to
18 answer to. I will take care of that in a
19 separate proceeding --

20 MR. LOVETT: Oh, you think you can
21 intimidate me?

22 MR. O'NEIL: Excuse me.

23 MR. LOVETT: You're out of your
24 mind.

25 MR. O'NEIL: Excuse me.

Direct - Downey

402

1 MR. O'REILLY: Mr. Lovett, please.

2 MR. LOVETT: No, I'm not going to
3 take that crap from him.

4 MR. O'REILLY: You will have your
5 turn.

6 MR. LOVETT: You're damn right I
7 will.

8 MR. O'NEIL: He does it because he
9 is protected by privilege. He does it
10 because he is protected by a suit. If he
11 engaged in this conduct outside of this
12 proceeding he knows what it would subject
13 him to --

14 MR. LOVETT: Yeah, absolutely
15 nothing.

16 MR. O'NEIL: He's protected by doing
17 it in a proceeding like this. He doesn't
18 do it in the hallway. He doesn't do it
19 out in the street, and there is a reason
20 he does that, because here he is
21 privileged. Out there he has to tell the
22 truth --

23 MR. LOVETT: Read the civil rights
24 law, my friend. Anybody --

25 MR. O'NEIL: Don't misread his --

Direct - Downey

403

1 MR. LOVETT: Do you think you're
2 intimidating me, please? Yeah, keep
3 talking.

4 MR. O'REILLY: All right, okay,
5 please.

6 MAYOR MARVIN: One at a time,
7 please.

8 MR. LOVETT: Like this cannot
9 purposely --

10 MR. O'NEIL: -- no grown adult would
11 behave this way. It's not appropriate.
12 It's not --

13 MR. LOVETT: Are you done? Are you
14 finished babbling yet?

15 MR. O'NEIL: He would not engage in
16 this type of behavior anywhere outside,
17 believe me.

18 Q Chief --

19 MR. O'NEIL: Excuse me, stop
20 interrupting me already, would you?

21 MR. LOVETT: Are you done? Are you
22 done?

23 MR. O'REILLY: Mr. Lovett, please.
24 Let Mr. O'Neil finish.

25 MR. LOVETT: Oh, please. Enough

Direct - Downey

404

1 already. He is in love with his own voice.
2 It's never ending. Are you done? Okay,
3 good.

4 Q Chief, here is a question for you,
5 your attorney said that you were holding Exhibit E,
6 and you were holding Exhibit 2 when I asked you the
7 question. Would you tell the Board where Exhibit 2
8 was?

9 MR. O'NEIL: Objection. Objection.
10 I still have an objection.

11 MR. LOVETT: No, because you lied
12 again.

13 Q Chief, would you tell the Board
14 where Exhibit 2 is? It's not in your hand, is it?

15 MR. O'REILLY: I'm going to ask the
16 witness to answer the question.

17 A I don't know which question to
18 answer first.

19 MR. O'REILLY: All right, the Board
20 is going to caucus. Chief, don't speak to
21 anybody about your testimony.

22 CHIEF DOWNEY: I will separate
23 myself from everyone.

24 MR. O'REILLY: Good.

25 Q Why don't you start with the

Direct - Downey

405

1 question as to --

2 MR. O'REILLY: Mr. Lovett?

3 Q -- where was Exhibit 2 --

4 MR. O'REILLY: Mr. Lovett, we are
5 going to caucus. Thank you.

6 (Whereupon the Board conducts a
7 caucus.)

8 MR. O'REILLY: Before we proceed the
9 Mayor wants to say something.

10 MR. LOVETT: Pardon me?

11 MR. O'REILLY: The Mayor is going to
12 make a statement.

13 MAYOR MARVIN: I would just ask both
14 Counsel to please behave more civilly out
15 of respect for all of us, and we are here
16 tonight to hear only the facts, and please
17 don't speak over each other, as well, so
18 our stenographer can't get a complete
19 record. Thank you. I believe it is Mr.
20 Lovett, at this point.

21 Q My question was, Chief, when I
22 asked you about that document, the one you are
23 holding, you have got Exhibit E in your hand,
24 right?

25 A Yes, sir.

Direct - Downey

406

1 Q When I asked you the question that
2 Mr. O'Neil objected to where was Exhibit 2?

3 A Exhibit 2 is in front of me.

4 Q On the stairs?

5 A On the first stair leading up to
6 the stage.

7 Q And you are not holding it?

8 A I'm not holding it.

9 Q And you were not holding it when I
10 asked the question Mr. O'Neil objected to, right?

11 A No, I wasn't.

12 Q So let me ask you again, with
13 respect to the document you are holding, Exhibit E,
14 do you have a receipt from my client that he was
15 ever given a copy of that?

16 A No, not that I'm aware of, no.

17 Q Do you have a receipt from any
18 member of the department that they received a copy
19 of Exhibit E?

20 A I can't answer that question. I
21 don't know.

22 Q I call your attention to page 28 of
23 the transcript of this hearing as of December 13
24 '06. Page 28 at line 11, it says Mr. O'Neil, and
25 then he's attributed to saying, I would ask that

Direct - Downey

407

1 this be marked as Department's Exhibit 2, and then
2 it indicates in parentheses, (whereupon a rules and
3 regulations of the document was received and marked
4 as Department's Exhibit 2 for identification, as of
5 this date.) Is it your testimony that what was
6 marked as 2 is a supplement to Exhibit E?

7 A Yes.

8 Q Do you know under Section 5711-Q
9 who, alone, has the power to document rules and
10 regulations for your department?

11 MR. O'NEIL: Objection. That is
12 asking for a legal conclusion.

13 MR. LOVETT: No, I'm asking if he
14 knows.

15 MR. O'NEIL: Mayor, I thought you
16 asked that we not speak over one another?
17 With all do respect, I don't believe I was
18 guilty of that, so I think if you are
19 going to address that to someone you
20 should do it to the person who is doing
21 it. When he talks I stop. I have an
22 objection. It is still my turn to talk, so
23 if I can be asked to complete what I was
24 saying? You are asking a question of a
25 Police Chief to give a legal

Direct - Downey

408

1 interpretation.

2 MAYOR MARVIN: Objection sustained.

3 MR. LOVETT: Well, what he said,
4 though, was not quite true, because he
5 falsely represented the Chief was holding
6 Exhibit E and 2 at the time I asked the
7 earlier question. That is why I wanted the
8 record cleared up. Your client did a good
9 job of doing that.

10 MR. O'NEIL: Actually, Mr. Lovett,
11 in response to that objection, I said they
12 were in front of him, which he did clear
13 it up. They were both in front of him.

14 MR. LOVETT: Okay.

15 Q Now, do you know, Chief, as a
16 matter of fact whether the Board of Police
17 Commissioners of the Village of Bronxville adopted
18 as the rules and regulations for the department
19 that you head Exhibit E?

20 A No.

21 Q Do you know if the Board of Police
22 Commissioners or the Village Board for the Village
23 of Bronxville adopted as the department rules and
24 regulations what is in evidence as Exhibit 2?

25 A No.

Direct - Downey

409

1 Q Did you promulgate and document
2 Exhibit E?

3 MR. O'NEIL: I'm going to have an
4 objection. If there is going to be any
5 more questions as to Exhibit E I ask that
6 it be moved into evidence.

7 MR. LOVETT: I move it into
8 evidence.

9 MR. O'NEIL: No objection.

10 MAYOR MARVIN: Exhibit E will be in
11 evidence.

12 (Whereupon, Charged Party's Exhibit
13 E, previously marked for identification
14 was received in evidence.)

15 Q Chief, with respect to Exhibit 2,
16 was that ever adopted by anybody, to your
17 knowledge?

18 A No, not that I'm aware of.

19 Q Do you know whether Exhibit 2 ever
20 became effective?

21 A It's part of the rules and
22 regulations. It's the duties of rules of conduct
23 of the Bronxville Police Department. Yeah, they
24 are effective.

25 Q How do you know they are effective?

A Because that is how they were represented to me back when I received them in 1988, I imagine.

Q Have you ever seen anything in writing that evidences an effective date for Exhibit E?

A No.

Q Have you ever been shown a resolution of the Village Board or the Village Board of Police Commissioners documenting Exhibit 2 and making it effective?

MR. O'NEIL: Objection. So that we don't get lost in this maze, I think it's important, I know you only have one copy of that document, Exhibit E, but if you were to look at the document, perhaps Mr. O'Reilly can take a look at it in order to advise the Board, there is a reference in the forward on the second page of that document where it appears to have been adopted by the Mayor and Trustees at the time it was implemented. There is also a paragraph in that document, a paragraph three that says, and I'm quoting from the document that is in evidence now, "these

Direct - Downey

411

1 rules and manual of procedures are not all
2 inclusive. Periodic orders and directives
3 of the Chief of Police will provide a
4 constant supplementary guide to me
5 challenging conditions." Changing
6 conditions, I'm sorry.

7 Now, the documents are what they
8 are. The legal effect of those documents
9 are something that is not a factual thing
10 to be inquired of this witness. They are
11 what they are, and were adopted when they
12 were adopted, whether they were
13 supplementary or whatever way they came
14 in, and, in any event, they are
15 irrelevant. The charges are about an order
16 that was issued, received, pled guilty to
17 once before, and now violated again. So
18 what relevance all of this has, at this
19 point, at least if you can see these
20 connections I'm going to renew my
21 objection to this line of questioning.

22 MR. O'REILLY: Mr. Lovett?

23 MR. LOVETT: Well, I think the issue
24 can be resolved in our post hearing
25 submissions. If in fact Exhibit E was

Direct - Downey

412

1 adopted by the Board of Police
2 Commissioners of the Village Board, and by
3 contrast Exhibit 2 was not, then Exhibit 2
4 isn't the supplement to anything. It is a
5 nullity, and if Exhibit 2 was adopted by
6 the Village Board there has got to be a
7 resolution on file evidencing the
8 adoption, which I'm sure Mr. O'Neil can
9 produce for us in a heartbeat, and the
10 issue to be resolved in the post hearing
11 submissions is, if there is a department
12 set of rules that is in effect, was
13 Exhibit E superceded by something, and if
14 so by what? Is Exhibit E still in effect?
15 Was Exhibit 2 ever adopted with an
16 effective date by the Village? If not this
17 is as much to do about absolutely nothing.
18 So I would suggest that we rest, and we
19 want 30 days, unless of course there is a
20 rebuttal case, from the date we get the
21 last transcript to post Memorandum of Law.
22 In the meantime, I'm going to foil from
23 the Village, unless Mr. O'Neil wants to
24 save some time, the resolution of the
25 Village documenting and putting into

Direct/Cross - Downey

413

1 effect Exhibit E, and whatever there may
2 be, if anything, that makes effective
3 Exhibit 2.

4 MR. O'REILLY: Just so the record is
5 clear, you are withdrawing the pending
6 question?

7 MR. LOVETT: Yes.

8 MR. O'REILLY: And you have no more
9 questions of this witness?

10 MR. LOVETT: That is right. We rest.

11 MR. O'REILLY: Well, Mr. O'Neil gets
12 a chance to ask him some questions.

13 MR. LOVETT: Oh, okay.

14 MAYOR MARVIN: Mr. O'Neil?

15 CROSS EXAMINATION BY MR. O'NEIL:

16 Q Chief, Exhibit 2, do you recall
17 when you first received a copy of that document?

18 MR. LOVETT: Objection. It's
19 irrelevant. It's bonafide.

20 MAYOR MARVIN: I'm prepared to
21 overrule the objection.

22 (Whereupon the Board was polled.)

23 MAYOR MARVIN: Objection overruled.

24 A Specifically, no. The exact date I
25 do not recall.

Cross - Downey

414

1 Q Do you recall what rank you were
2 when you received that document?

3 MR. LOVETT: Objection. It's
4 irrelevant. Who cares what his rank was.

5 (Whereupon the Board was polled.)

6 MAYOR MARVIN: Objection overruled.

7 A Yes, I do.

8 Q What rank did you hold?

9 A Patrolman.

10 Q Do you recall whether it was near
11 the beginning of your career in the department?

12 MR. LOVETT: Objection, leading.

13 MR. O'NEIL: It's cross-examination.

14 MR. LOVETT: So what. It's your
15 client. You can't lead on cross or direct.

16 MR. O'NEIL: He's not my client.

17 MR. LOVETT: Oh, I see.

18 MR. O'NEIL: He's the Chief.

19 MR. LOVETT: Who do you represent
20 again, the Village Board?

21 MAYOR MARVIN: Overruled. Chief, you
22 may answer the question.

23 A It was within the first two years
24 of my career. I was appointed in '86, and
25 appointed to Detective in '88.

Cross - Downey

415

1 Q Chief, when you first were made
2 aware of Officer Kempkes' whereabouts on July the
3 6th of 2006, what, if anything, did you do with
4 regard to that incident?

5 MR. LOVETT: Objection. It's
6 improper cross. What he did is not the
7 subject of direct-examination, and it's
8 not a proper subject for cross. If we are
9 thumbing around for something to fill a
10 gap it's a waste of everybody's time.

11 MR. O'NEIL: He inquired as to the
12 suspension and what he did immediately
13 after the incident. That is what I'm
14 inquiring about.

15 MR. LOVETT: No, I didn't. I asked
16 for the date, July 6 '06, that's it. I
17 didn't ask what the Chief did or didn't
18 do.

19 MAYOR MARVIN: I'm going to prepare
20 to overrule that objection.

21 (Whereupon the Board was polled.)

22 MAYOR MARVIN: Objection overruled.

23 A I'm sorry, can you repeat the
24 question?

25 (Whereupon, the last question was

Cross - Downey

416

1 read back by the reporter.)

2 A I instructed Lieutenant Satriale to
3 conduct an investigation.

4 Q And was it at that time that you
5 suspended Officer Kempkes?

6 A No.

7 Q How soon after that?

8 A The next day.

9 Q Did there come a time when
10 Lieutenant Satriale completed his investigation?

11 A Yes.

12 Q And when that investigation was
13 completed, what, if anything, did you do with
14 regard to Officer Kempkes' pay status?

15 A I changed his suspension without
16 pay to suspension with pay.

17 MR. O'NEIL: I have no further
18 questions.

19 MR. LOVETT: Nor do I.

20 CHIEF DOWNEY: If I may? If I may?

21 MR. O'REILLY: No, there is no
22 pending question.

23 CHIEF DOWNEY: I would like to clear
24 a question that was asked of me earlier by
25 Mr. Lovett that I know recall.

Cross - Downey

417

1 MR. LOVETT: No, there is no pending
2 question.

3 MR. O'REILLY: Well, yes, he can if
4 it is to clear up a prior question that he
5 gave. If it needs clarification he can
6 certainly clarify it for the record.

7 MR. LOVETT: Well, he can't clear up
8 a question. He can clear up an answer.

9 MR. O'REILLY: I change my
10 statement. If it is to clarify an answer
11 he previously gave.

12 MR. LOVETT: Fine.

13 A The exact question I don't recall.
14 It was whether or not I have any knowledge of any
15 members of the police department signing for, I
16 don't know the exhibit, because Mr. Lovett has it,
17 but it was the Charged Party's --

18 MR. O'REILLY: E, I believe.

19 A Yes, I believe the rules and
20 regulations of the department, and my answer I
21 would like to change to yes, I do have direct
22 knowledge of that.

23 MR. O'REILLY: Thank you.

24 Q Who is that?

25 A Officer Anderson and Officer

Cross/Redirect - Downey

418

1 Addimando.

2 Q And when were those officers hired,
3 Chief?

4 A I believe August of 2006.

5 Q Both of them?

6 A Both of them.

7 MR. O'NEIL: Just one second.

8 (Whereupon Counsel confer.)

9 MR. O'NEIL: I have no further
10 questions.

11 MR. O'REILLY: Mr. Lovett?

12 REDIRECT EXAMINATION BY MR. LOVETT:

13 Q How is it, Chief, that in August of
14 2006 two new hires were given Exhibit E?

15 A Because I had conversations with
16 Lieutenant Satriale after an arbitration case on an
17 arbitration case that the PBA brought on behalf of
18 Officer Kempkes. Officer Panzarino had made, his
19 attorneys made statements to the arbitrator that
20 they did not have copies of the rules and
21 regulations, that Officer Panzarino did not have a
22 copy of that. I had subsequently asked Lieutenant
23 Satriale if that were true, knowing nothing that I
24 had received a copy back in 1986, and he had said
25 that he was not issued a copy, either.

Redirect - Downey

419

1 Q So why was Exhibit E only given to
2 two newly hired officers as opposed to everybody on
3 the job?

4 A That is all I had prepared at the
5 time when the officers came on.

6 Q What is all you had prepared?

7 A I prepared two copies for the new
8 officers as they came on, and I will distribute it
9 to everybody between those two officers and myself.
10 Officer Kempkes has a copy that he foiled.

11 Q He made a written request that he
12 be provided it, and how long did it take before he
13 was given a copy of Exhibit E?

14 A The request he made of me, he had
15 received several responses back from me advising
16 him to bring to me what he had so we could discuss
17 it. He refused to have a meeting with me. My last
18 e-mail to him said do not contact me any further on
19 this issue unless you are willing to meet on it.
20 He saw no reason to meet.

21 Q So why when you gave the two new
22 hires Exhibit E didn't you distribute it
23 department-wide with some kind of cover memo?

24 A I have yet to determine who doesn't
25 have a copy of it.

Redirect - Downey

420

1 Q How are you going to do that?

2 A Everyone prior to me should have
3 it. I'm going to have each officer come in and
4 meet with me to discuss the matter, as I offered
5 Officer Kempkes.

6 Q And the arbitration you referenced
7 occurred when in relationship to August of '06?

8 A I would probably say I could not
9 answer that, because I can only tell you what I
10 believe.

11 Q Well, it was before my client was
12 brought up on charges by you, wasn't it?

13 A Correct.

14 Q And so after my client was brought
15 up on charges for the first time you distributed
16 Exhibit E to only two members of the department,
17 right?

18 A After July 6th, yeah. I didn't
19 hire them until after your -- I didn't hire the two
20 officers until after your client violated the sick
21 leave policy.

22 Q No, you didn't hire them at all,
23 did you?

24 A I recommended to the Board that
25 they be hired.

Redirect - Downey

421

1 Q When you gave those two new hires
2 Exhibit E, was that under cover of some kind of
3 writing?

4 A Yes.

5 Q What did the writing say?

6 A It's the distribution list that I
7 believe there is a copy of in evidence.

8 Q The distribution list that relates
9 to?

10 A For the sick leave policy.

11 Q Exhibit 2?

12 A I'm sorry?

13 Q When are you planning to distribute
14 to all of the sworn members of the department
15 Exhibit E?

16 A When I meet with them individually
17 and ask them if they received a copy.

18 Q So when are you planning on doing
19 that?

20 A As soon as my health gets better
21 and I'm back to work full-time and I can schedule a
22 meeting with each and every member of the
23 department.

24 MR. LOVETT: I have nothing further.

25 Thank you.

Recross - Downey

422

1 RECROSS EXAMINATION BY MR. O'NEIL:

2 Q Chief, at the arbitration involving
3 Officer Kempkes' grievance, did the PBA Attorney
4 request a copy of the rules and regulations that
5 are now in evidence as Exhibit E?

6 MR. LOVETT: Objection, leading.

7 MAYOR MARVIN: I'm prepared to
8 overrule that objection.

9 (Whereupon the Board was polled.)

10 MAYOR MARVIN: Objection overruled.

11 Answer, please.

12 A Not directly to me, no. Through my
13 attorneys.

14 Q And did we request a copy of you to
15 provide to the PBA Attorney?

16 A Yes.

17 Q Did you provide that to us?

18 A Yes.

19 Q Did you receive a copy of a letter
20 that we sent to Attorney Harold enclosing a copy of
21 those rules and the regulations?

22 A Yes.

23 Q And was that before the charges
24 were instituted in this proceeding?

25 A Yes.

Recross - Downey

423

1 Q Do you recall how long before the
2 charges that that occurred?

3 A I can only guess. I would say
4 within a year, though.

5 Q I'm going to show you a document.

6 MR. O'NEIL: I'm going to ask that
7 the document be marked for identification
8 as Department's Exhibit 20.

9 (Whereupon, a letter was received
10 and marked as Department's Exhibit 20, for
11 identification, as of this date.)

12 Q Chief, I'm going to ask you to look
13 at a document that has been marked for
14 identification as Department's Exhibit 20 and ask
15 you whether you can identify that document for us?

16 A Yes, I can.

17 Q Can you tell us what it is?

18 A It's a copy of a letter that I
19 received from Chris Kurtz with Bond, Schoeneck &
20 King with regard to a request for the department
21 rules and regulations of Chris Harold.

22 Q Did you receive a copy of that
23 letter?

24 A Yes, I did.

25 Q Did you receive it on or about --

Recross/Re Redirect - Downey

424

1 MR. LOVETT: Just offer it. I have
2 no objection.

3 MR. O'NEIL: Sorry?

4 MR. LOVETT: Just offer it. I have
5 no objection.

6 MR. O'NEIL: Okay. Can we offer that
7 it be received in evidence?

8 MAYOR MARVIN: All right, it will be
9 received in evidence.

10 (Whereupon, Department's Exhibit
11 20, previously marked for identification
12 was received in evidence.)

13 MR. O'NEIL: We have nothing further
14 of this witness.

15 RE REDIRECT EXAMINATION BY MR. LOVETT:

16 Q Chief, when you got Exhibit 20 did
17 you contact Mr. Kurtz and ask him why he does not
18 say that the department rules and regulations that
19 are referenced were in effect?

20 A No.

21 MR. O'NEIL: Objection as to any
22 attorney/client communications.

23 MR. LOVETT: Well, I don't want the
24 Board to be misled by putting in a letter
25 that doesn't say whatever is covered in

Re Redirect - Downey

425

1 was in effect, at any point in time, ever.

2 I will withdraw the question, okay?

3 MAYOR MARVIN: All right.

4 MR. LOVETT: I have nothing further.

5 MR. O'REILLY: Okay, do you have
6 anything more?

7 MR. O'NEIL: Nothing further.

8 MR. O'REILLY: Before the witness is
9 excused the Board is going to caucus.
10 Chief, again, please don't discuss your
11 testimony with anybody.

12 CHIEF DOWNEY: I will keep myself
13 separated from everybody in the hall.

14 MR. LOVETT: Before you caucus I
15 have one request that may save everyone
16 time. Presumably, those who can probably
17 most quickly get their hands on a
18 resolution, if there is one, adopting and
19 putting in effect Exhibit 2 is the Village
20 Board, or its clerk. Perhaps that can be
21 produced and copied by Mr. O'Reilly to
22 Counsel.

23 MR. O'REILLY: Okay, we will discuss
24 your request while we caucus.

25 MR. O'NEIL: Exhibit 2 or Exhibit E?

Re Redirect - Downey

426

1 MR. LOVETT: Well, let's make it
2 both, because I suspect that if there were
3 two resolutions one is going to supercede
4 the other.

5 MR. O'REILLY: Okay, so the request
6 is as to Exhibit 2 and --

7 MR. LOVETT: And E, yes. If there is
8 a resolution let's see it, all right, or
9 both of them.

10 MR. O'REILLY: Thank you.

11 (Whereupon the Board conducts a
12 caucus.)

13 MR. O'REILLY: The Board has asked
14 me to speak to the two matters, or one
15 matter that is pending, and to ask a
16 question of Chief Downey. With respect to
17 your request, Mr. Lovett, the Board, the
18 Mayor is going to make inquiry about the
19 resolutions that you asked about.

20 MR. LOVETT: Thank you.

21 MR. O'REILLY: And we will advise
22 the parties accordingly, and we will
23 provide the parties with an opportunity,
24 if they deem it necessary, to reopen the
25 hearing to address the two resolutions, if

Re Redirect - Downey

427

1 necessary.

2 MR. LOVETT: Okay.

3 MR. O'REILLY: The questions for
4 you, Chief Downey, is would you please
5 tell the Board what a police officer's
6 entitlement is when the officer is unable
7 to work due to non job related reasons.

8 MR. DOWNEY: It is spelled out in
9 the sick leave policy. They must stay at
10 home and call in.

11 MR. O'REILLY: The entitlement, sir,
12 is pay, benefits, and so on. Is there a
13 defined period of time? Define sick leave.

14 CHIEF DOWNEY: For a non job related
15 injury?

16 MR. O'REILLY: Non job related
17 reasons. You can't work.

18 CHIEF DOWNEY: Right.

19 MR. O'REILLY: What is it?

20 CHIEF DOWNEY: Define the period of
21 time.

22 MR. O'REILLY: What does an officer
23 get in terms of pay?

24 CHIEF DOWNEY: Beyond sick leave, at
25 that point he would get full pay.

Re Redirect/Re Recross - Downey

428

1 MR. O'REILLY: For what duration?

2 MR. DOWNEY: Until I removed him
3 from service. One year, I would say,
4 continuous year of service of that job
5 injury.

6 MR. O'REILLY: And that would be
7 pursuant to procedures under the civil
8 service law?

9 CHIEF DOWNEY: I believe so.

10 MR. O'REILLY: Okay, thank you. We
11 have no further questions.

12 MR. O'NEIL: Can I just follow-up on
13 that?

14 RE RECROSS EXAMINATION BY MR. O'NEIL:

15 Q Just so it's clear, so they are not
16 given an annual number of sick leave days per year,
17 correct?

18 A The contract is unlimited.

19 MR. O'NEIL: Unlimited, thank you.

20 MR. O'REILLY: Do you have any
21 questions, Mr. Lovett, on this subject?

22 MR. LOVETT: No.

23 MR. O'REILLY: All right, thank you,
24 Chief.

25 CHIEF DOWNEY: Thank you.

1 MR. O'REILLY: Mr. Lovett, any other
2 witnesses?

3 MR. LOVETT: No.

4 MR. O'NEIL: We have no further
5 witnesses, unless, though, we are required
6 to do something that is unaccustomed as to
7 some common ground with Mr. Lovett. There
8 are prior disciplinary actions against
9 Officer Kempkes unrelated to the one
10 included in the charges that we believe
11 the Board is sophisticated enough to take
12 into evidence for penalty purposes, only.
13 There are a number of them over the years
14 that have been administered, and there are
15 various ways you can handle that. You can
16 take them now, consider it for penalty,
17 only, or you can reserve your right to
18 take that evidence. Following as they
19 sometimes do under Section 75, sometimes
20 they will bifurcate and have another
21 hearing, and they will take the evidence
22 that is in someone's personnel file, give
23 the other side an opportunity to respond
24 to it, so I'm open to any suggestions that
25 suit the Board.

1 MR. O'REILLY: Mr. Lovett, your
2 thoughts on that.

3 MR. LOVETT: Well, one, the
4 reference that Counsel just made I think
5 is another impermissible one. Now we've
6 got repeated disciplinary floating around,
7 and that shouldn't have been made
8 referenced to on the record. Secondly, it
9 seems to me that what we ought to do is
10 first see what there is, if anything, by
11 way of resolutions with respect to the two
12 rules and regulations, and/or the
13 supplement, and once we've had that to
14 review and we've got the final transcript,
15 if either Mr. O'Neil or I, or the Board
16 for that matter wants anything further
17 with respect to what is or isn't the rules
18 and regulations we can reconvene, if it
19 can't be done on paper, and with respect
20 to the supposed other disciplinaries, I
21 would suggestion a bifurcation.

22 MR. O'REILLY: Do you want to talk
23 about this?

24 MAYOR MARVIN: No. What is your
25 judgment on this?

1 MR. O'REILLY: What I would suggest
2 is that you, Mr. O'Neil, show Mr. Lovett
3 what it is that you propose to have the
4 Board consider, and if, or when it becomes
5 necessary to assess a penalty you can
6 either do that now or you can do that at
7 another time that is mutually convenient,
8 and if there is no dispute about that,
9 that you provide that to the Board in a
10 sealed envelope with a representation by
11 yourself that you conducted with Mr.
12 Lovett, and this is an agreed upon
13 submission to be looked at, only for
14 purposes of penalty.

15 MR. LOVETT: What I would ask in
16 that connection is that I don't want -- if
17 Mr. O'Neil can send me whatever he made
18 reference to, let me take a look at it,
19 and there may be no dispute as to what is
20 contained in the documentation. If there
21 is then we can notify you. It may be a non
22 issue.

23 MR. O'REILLY: I understand, but
24 what I'm suggesting is that what be done
25 in advance of the close of the hearing be

1 provided to us in a sealed envelope, and
2 we will represent to you that it will not
3 be looked at, unless and until it becomes
4 necessary to decide what, if any, penalty
5 to be imposed.

6 MR. LOVETT: If you want to do that,
7 that is fine with me, so long as before
8 somebody opens up the mayonnaise jar and
9 sees what's in it you've gotten some
10 feedback from us, collectively, as to
11 whether or not there are any charges to
12 the accuracy or authenticity of the
13 contents.

14 MR. O'REILLY: That is what I meant
15 to say.

16 MR. LOVETT: That is fine with me.

17 MR. O'REILLY: Okay, anything else?

18 MR. O'NEIL: We can certainly do
19 that after the close of the hearing
20 tonight, probably even before briefs are
21 submitted.

22 MR. O'REILLY: Okay. So you have
23 nothing else?

24 MR. O'NEIL: Nothing further.

25 MR. O'REILLY: All right, so what I

1 propose then is that the Mayor will
2 respond to your requests.

3 MAYOR MARVIN: Right.

4 MR. O'REILLY: That we will endeavor
5 to do that before the transcript of
6 tonight's hearing is forwarded to you.
7 Assuming that is accomplished, before then
8 we would ask the parties to promptly
9 notify the Board as to whether or not they
10 wish for the hearing to be, I'll say
11 reopened for purposes of addressing the
12 response given by the Mayor, and secondly,
13 as to whether or not there is a need to
14 hear from the parties with respect to any
15 dispute concerning the submission of
16 purposes of penalty.

17 MR. LOVETT: Well, with respect to
18 the latter, I think we would all be a
19 little safer if we communicated with you,
20 Mr. O'Reilly, so that we don't, you know,
21 objecting if we do to the substantive
22 contents.

23 MR. O'REILLY: Yes, I'll be doing
24 the writing and asking you to respond to
25 me.

Proceedings

434

1 MR. LOVETT: Fine.

2 MR. O'REILLY: And depending on the
3 result of all that I'm assuming that the
4 parties wish to make written submissions.

5 MR. LOVETT: Yes.

6 MR. O'REILLY: We will give you a
7 date certain as to when it is that we will
8 ask the submissions to be provided to the
9 Board. That will be no sooner than 30 days
10 after receipt of the transcripts, the
11 final transcript. Thank you very much.

12 MR. O'NEIL: Thank you.

13 MR. O'REILLY: Mayor, anything else?

14 MAYOR MARVIN: No.

15 MR. O'REILLY: Okay, so the hearing
16 is adjourned for now as a result of any
17 further action.

18 MAYOR MARVIN: All right, hearing
19 adjourned. Thank you. Good night,
20 everyone.

21 MR. O'NEIL: Thank you.

22 (Time Noted: 8:20 p.m.)
23
24
25

Proceedings

435

E X H I B I T S

CHARGED PARTY'S
EXHIBITS

DESCRIPTION

ID/EVD.

A

5/26/05 memorandum
from the Chief of
Police to Officer
Kempkes

13/14

B

7/21/05 memo
from Officer
Kempkes

20

C

Memo

20

D

9/6/05 departmental
electronic e-mail from
Officer Kempkes

21/23

E

Multi-page document
Police manual under
cover of an 11/25/64 memo

32/46

DEPARTMENT'S
EXHIBITS

DESCRIPTION

ID/EVD.

20

Letter from
Bond, Schoeneck
& King

60/61

Proceedings

436

I N D E X

| EXAMINATION BY | PAGE |
|--|-------|
| DIRECT EXAMINATION OF CHIEF DOWNEY BY MR. LOVETT | 3-50 |
| CROSS EXAMINATION OF CHIEF DOWNEY BY MR. O'NEIL | 50-55 |
| REDIRECT EXAMINATION OF CHIEF DOWNEY BY MR. LOVETT | 55-59 |
| RECROSS EXAMINATION OF CHIEF DOWNEY BY MR. O'NEIL | 59-61 |
| RE REDIRECT EXAMINATION OF CHIEF DOWNEY BY MR. LOVETT | 61-62 |
| RE RECROSS EXAMINATION OF CHIEF DOWNEY BY MR. O'NEIL | 65-65 |

Proceedings

437

C E R T I F I C A T I O N

Certified to be a true and accurate
transcript of the aforesaid proceeding.

A handwritten signature in cursive script, reading "Melissa Sasso". The signature is written in dark ink and is positioned above a dashed line.

Melissa Sasso

Proceedings

438

| | | | | |
|---|---|--|---|--|
| \$ | 2006 - 364:3, 369:2, 374:20, 374:22, 389:6, 415:3, 418:4, 418:14 2007 - 364:10 207c - 368:14 21 - 364:3, 383:5 21/23 - 435:10 222 - 365:4 25 - 395:17 26th - 375:24 28 - 406:22, 406:24 | accusations - 401:13 acknowledged - 389:2 action - 434:17 actions - 429:8 Addimando - 418:1 address - 407:19, 426:25 addressing - 433:11 adjourned - 434:16, 434:19 administered - 429:14 administrative - 367:19, 367:22 adopted - 396:19, 408:17, 408:23, 409:16, 410:21, 411:11, 411:12, 412:1, 412:5, 412:15 adopting - 425:18 adoption - 412:8 adult - 403:10 advance - 431:25 advice - 373:1, 373:6, 373:9 advise - 410:18, 426:21 advising - 419:15 aforesaid - 437:8 agreed - 431:12 allegation - 372:7 allege - 379:17, 379:20 allow - 382:19, 391:22, 393:5 allowed - 391:25 alone - 407:9 Alzheimer's - 393:20 Anderson - 417:25 Anne - 365:16 annual - 428:16 Answer - 422:11 answer - 372:23, 375:9, 385:11, 387:13, 389:16, 392:1, 392:7, 392:9, 392:11, 401:18, 404:16, 404:18, 406:20, 414:22, 417:8, 417:10, 417:20, 420:9 answered - 398:25, 399:3 appear - 398:14 applications - 368:14 appointed - 368:1, 368:3, 414:24, 414:25 appreciate - 380:3 appropriate - 403:11 approval - 370:7, 370:11 arbitration - 418:16, 418:17, 420:6, 422:2 arbitrator - 418:19 asserted - 382:7, 389:23 assess - 431:5 assistance - 390:21 Associates - 364:22 Assuming - 433:7 assuming - 434:3 attempt - 382:18 attention - 377:5, 390:2, 406:22 | Attorney - 422:3, 422:15, 422:20 attorney - 398:10, 404:5 attorney/client - 424:22 Attorneys - 365:3, 365:8 attorneys - 418:19, 422:13 attributed - 406:25 August - 364:3, 418:4, 418:13, 420:7 authenticity - 432:12 authority - 369:15, 371:17 authorized - 372:5 Avenue - 364:23, 365:9 aware - 368:15, 373:15, 406:16, 409:18, 415:2 | 426:13, 426:17, 427:5, 429:11, 429:25, 430:15, 431:4, 431:9, 433:9, 434:9 Board's - 396:2, 401:10 bonafide - 413:19 Bond - 365:7, 423:19, 435:18 briefly - 381:5 briefs - 432:20 bring - 394:12, 394:19, 394:24, 419:16 Bronxville - 364:1, 364:9, 365:8, 366:2, 366:24, 367:9, 385:14, 386:5, 398:15, 408:17, 408:23, 409:23 brought - 418:17, 420:12, 420:14 |
| \$100.00 - 372:13 | | | | |
| . | | | | |
| '05 - 375:24 '06 - 406:24, 415:16, 420:7 '86 - 414:24 '88 - 414:25 | | | | |
| 0 | 3 | | | |
| 003 - 395:19 | 3-50 - 436:7 30 - 412:19, 434:9 32/46 - 435:12 3a - 380:13, 382:11, 390:2 | | | |
| 1 | 4 | | | |
| 1 - 381:9 10 - 364:10 10523 - 365:20 10530 - 364:24 10605 - 365:4 11 - 406:24 11/25/64 - 435:13 111 - 364:23 11530 - 365:9 12 - 388:5 13 - 406:23 13/14 - 435:4 1399 - 365:9 13th - 366:4 177 - 364:9 19 - 374:10, 375:2, 375:17, 377:8, 377:15, 378:19, 379:5, 380:14, 382:3, 382:10, 386:25, 387:9, 387:17, 390:19, 391:13, 392:18, 392:20, 393:18, 398:3 1964 - 395:17 1986 - 368:6, 386:25, 418:24 1988 - 410:3 | 4 - 378:2, 388:1, 395:24, 395:25, 396:2, 396:3 | | | |
| | 5 | | | |
| | 5/26/05 - 435:4 50-55 - 436:10 55-59 - 436:13 570 - 365:19 5711-q - 369:9, 369:20, 369:21, 372:13, 407:8 59-61 - 436:16 | | | |
| | 6 | | | |
| | 6 - 388:12, 415:16 60/61 - 435:18 61-62 - 436:19 65-65 - 436:22 684-0201 - 364:24 6:30 - 364:10 6th - 374:20, 382:15, 415:3, 420:18 | | | |
| 2 | 7 | | | |
| 2 - 378:1, 378:11, 378:12, 378:16, 378:25, 386:8, 386:18, 396:4, 396:5, 396:25, 397:6, 397:10, 400:16, 401:1, 404:6, 404:7, 404:14, 405:3, 406:2, 406:3, 407:1, 407:4, 407:6, 408:6, 408:24, 409:15, 409:19, 410:10, 412:3, 412:5, 412:15, 413:3, 413:16, 421:11, 425:19, 425:25, 426:6 2.0 - 374:10, 375:2, 375:17, 377:8, 377:15, 378:20, 379:5, 380:14, 382:3, 382:10, 387:9, 387:17, 390:19, 391:14, 392:18, 392:20, 393:18, 398:3 20 - 388:4, 423:8, 423:10, 423:14, 424:11, 424:16, 435:6, 435:9, 435:18 2003 - 388:2 2005 - 383:5, 388:21, 389:5 | 7/21/05 - 435:6 75 - 429:19 | | | |
| | 8 | | | |
| | 8:20 - 434:22 | | | |
| | 9 | | | |
| | 9 - 369:22, 369:24 9/6/05 - 384:6, 435:10 914 - 364:24 | | | |
| | A | | | |
| | A6 - 381:12 absent - 377:9, 387:19, 391:16 absolutely - 402:14, 412:17 accepted - 388:4 accomplished - 433:7 according - 368:23 accordingly - 426:22 accuracy - 432:12 accurate - 437:7 | | | |
| | | B | C | |
| | | babble - 400:12 babbles - 401:5 babbling - 403:14 bait - 395:18 Bait - 395:19 Barton - 365:15 based - 374:24, 390:23 basis - 373:4, 377:14 became - 373:15, 385:7, 409:20 becomes - 431:4, 432:3 begin - 366:10 beginning - 414:11 begun - 366:3 behalf - 418:17 behave - 403:11, 405:14 behavior - 403:16 belief - 396:24 Bellitto - 365:15 benefits - 427:12 best - 387:23, 393:1 better - 421:20 between - 419:9 Beyond - 427:24 bifurcate - 429:20 bifurcation - 430:21 bite - 395:2 Bloomingdale - 365:4 bluff - 390:17 bluster - 389:24 board - 369:25 Board - 364:1, 365:14, 365:19, 369:24, 370:8, 370:12, 370:15, 370:16, 371:19, 372:19, 380:2, 382:23, 391:9, 391:12, 396:8, 404:7, 404:13, 404:19, 405:6, 408:16, 408:21, 408:22, 410:9, 410:10, 410:18, 412:1, 412:2, 412:6, 413:22, 414:5, 414:20, 415:21, 420:24, 422:9, 424:24, 425:9, 425:20, 426:11, | c'mon - 394:21 calculatedly - 381:20 cannot - 403:8 capacity - 366:25 Carbone - 364:22 care - 401:18 career - 414:11, 414:24 cares - 414:4 case - 366:6, 366:9, 375:14, 380:18, 389:6, 412:20, 418:16, 418:17 caucus - 404:20, 405:5, 405:7, 425:9, 425:14, 425:24, 426:12 Central - 364:23 certain - 434:7 certainly - 388:21, 417:6, 432:18 Certified - 437:7 challenging - 411:5 chance - 413:12 change - 372:24, 373:17, 417:9, 417:21 changed - 370:19, 373:4, 373:21, 373:25, 416:15 Changing - 411:5 chapter - 375:18, 377:18, 377:20, 381:21 Chapter - 374:10, 375:2, 375:16, 377:7, 377:15, 378:19, 379:5, 380:14, 382:3, 382:10, 387:9, 387:17, 390:19, 391:13, 392:18, 392:20, 393:17, 398:3 charade - 393:8, 395:2 charge - 380:19 Charged - 375:20, 376:2, 376:5, 377:2, 383:4, 383:9, 383:12, 383:18, 383:21, 383:23, 384:5, 384:9, 384:15, 386:2, 387:8, 389:23, 390:14, 391:6, 395:22, 409:12, 417:17, 435:2 | |

| | | | | |
|--|--|---|--|--|
| <p>charged - 374:17, 379:25 Charges - 364:2 charges - 369:8, 369:23, 370:1, 371:2, 379:16, 380:4, 380:20, 381:8, 381:16, 388:9, 388:17, 388:18, 388:22, 388:23, 389:8, 390:22, 411:15, 420:12, 420:15, 422:23, 423:2, 429:10, 432:11 check - 366:5 Chief - 366:12, 367:1, 367:5, 368:8, 371:15, 371:17, 371:22, 372:5, 372:15, 373:15, 373:24, 374:17, 375:13, 375:24, 376:4, 376:14, 377:24, 378:17, 380:9, 382:1, 382:2, 382:5, 383:11, 383:23, 389:14, 389:22, 390:13, 390:15, 390:20, 391:5, 391:12, 392:10, 395:24, 396:22, 398:12, 399:4, 400:14, 400:25, 403:18, 404:4, 404:13, 404:20, 404:22, 405:21, 407:25, 408:5, 408:15, 409:15, 411:3, 413:16, 414:18, 414:21, 415:1, 415:17, 416:20, 416:23, 418:3, 418:13, 422:2, 423:12, 424:16, 425:10, 425:12, 426:16, 427:4, 427:14, 427:18, 427:20, 427:24, 428:9, 428:24, 428:25, 435:4, 436:7, 436:10, 436:13, 436:16, 436:19, 436:22 Chief's - 381:19, 393:14 Chris - 385:4, 423:19, 423:21 Christopher - 365:10 circle - 376:15 circumstances - 380:7 City - 365:9 civil - 367:20, 402:23, 428:7 civilly - 405:14 claim - 380:23, 398:2 claims - 389:14 clarification - 417:5 clarify - 417:6, 417:10 clear - 374:13, 374:16, 381:7, 391:20, 400:2, 400:20, 408:12, 413:5, 416:23, 417:4, 417:7, 417:8, 428:15 cleared - 408:8</p> | <p>clerk - 425:20 client - 369:6, 369:16, 370:6, 370:10, 370:17, 373:4, 373:16, 374:7, 374:17, 374:24, 375:16, 375:25, 376:18, 379:4, 379:25, 380:24, 381:22, 382:1, 382:14, 383:6, 384:7, 387:5, 387:15, 390:5, 391:6, 392:17, 394:1, 398:20, 400:17, 406:14, 408:8, 414:15, 414:16, 420:11, 420:14, 420:20 client's - 370:20, 371:16, 373:25, 390:24 close - 431:25, 432:19 collectively - 432:10 coming - 395:2 command - 389:25 comments - 401:16 Commissioners - 364:1, 365:14, 370:8, 370:13, 370:16, 371:19, 380:2, 408:17, 408:22, 410:10, 412:2 common - 429:7 communicated - 433:19 communications - 424:22 compensatory - 388:5 complete - 405:18, 407:23 completed - 366:6, 416:10, 416:13 compound - 389:25 con - 381:20 concerned - 385:7 concerning - 373:16, 433:15 conclusion - 407:12 concur - 373:13 conditions - 411:5, 411:6 Conduct - 378:8, 386:7 conduct - 373:16, 379:18, 401:8, 402:11, 409:22, 416:3 conducted - 431:11 conducts - 405:6, 426:11 confer - 418:8 confused - 399:7 confusion - 400:3, 400:7 connection - 431:16 connections - 411:20 consider - 429:16, 431:4 constant - 411:4 Consultation - 369:18 contact - 419:18, 424:17 contain - 387:7 contained - 375:2,</p> | <p>381:20, 382:3, 388:9, 392:20, 431:20 contents - 432:13, 433:22 continuous - 428:4 contract - 428:18 contrast - 412:3 control - 398:19 convenient - 431:7 conversation - 375:5 conversations - 418:15 copied - 425:21 copies - 418:20, 419:7 copy - 378:22, 379:5, 380:22, 398:14, 398:16, 398:20, 399:12, 406:15, 406:18, 410:14, 413:17, 418:22, 418:24, 418:25, 419:10, 419:13, 419:25, 421:7, 421:17, 422:4, 422:14, 422:19, 422:20, 423:18, 423:22 correct - 366:7, 428:17 Correct - 420:13 Counsel - 365:19, 369:18, 373:1, 373:2, 373:6, 373:7, 373:9, 378:10, 382:6, 384:14, 389:9, 389:13, 390:22, 405:14, 418:8, 425:22, 430:4 Counselor - 395:3, 401:2 course - 374:14, 412:19 cover - 395:17, 419:23, 421:2, 435:13 covered - 401:14, 401:15, 424:25 crap - 402:3 create - 400:3, 400:6 Cross - 413:15, 436:10 cross - 414:13, 414:15, 415:6, 415:8 cross-examination - 414:13 custody - 398:19</p> | <p>deem - 426:24 Define - 427:13, 427:20 defined - 427:13 department - 368:5, 368:17, 374:4, 374:11, 375:3, 377:8, 377:17, 377:23, 378:23, 379:1, 379:3, 386:12, 387:18, 389:22, 391:14, 391:16, 397:12, 406:18, 407:10, 408:18, 408:23, 412:11, 414:11, 417:15, 417:20, 419:23, 420:16, 421:14, 421:23, 423:20, 424:18 Department - 365:8, 385:14, 386:6, 398:15, 409:23 Department's - 378:11, 378:16, 378:25, 381:9, 386:8, 388:1, 395:25, 396:3, 407:1, 407:4, 423:8, 423:10, 423:14, 424:10, 435:16 department-wide - 419:23 departmental - 368:9, 384:23, 385:15, 435:10 Deputy - 365:15 derives - 380:12 Description - 435:3, 435:17 Detective - 367:16, 367:21, 367:24, 368:4, 414:25 determine - 419:24 different - 399:17 direct - 366:6, 390:15, 414:15, 415:7, 417:21 Direct - 366:20, 436:7 direct-examination - 415:7 directives - 411:2 directly - 422:12 disability - 380:9 disciplinary - 430:20 disciplinary - 366:3, 429:8, 430:6 Disciplinary - 364:2 discipline - 369:23, 389:25 discuss - 419:16, 420:4, 425:10, 425:23 discussed - 374:14 discussing - 374:9 dispute - 431:8, 431:19, 433:15 distribute - 419:8, 419:22, 421:13 distributed - 386:11, 386:15, 386:21, 387:2, 389:21, 420:15 distribution - 421:6, 421:8 divert - 390:1 document - 376:9, 376:25, 378:4, 378:13, 383:15, 384:1, 384:13, 384:18, 385:25,</p> | <p>387:23, 387:24, 388:3, 388:19, 389:13, 391:23, 392:3, 392:24, 393:4, 393:6, 393:22, 393:24, 394:10, 394:25, 395:4, 395:15, 395:18, 395:21, 396:9, 397:17, 399:17, 405:22, 406:13, 407:3, 407:9, 409:1, 410:15, 410:16, 410:20, 410:23, 410:25, 413:17, 414:2, 423:5, 423:7, 423:13, 423:15, 435:12 documentation - 431:20 documenting - 410:10, 412:25 documents - 401:1, 411:7, 411:8 done - 370:17, 403:13, 403:21, 403:22, 404:2, 430:19, 431:24 double - 366:5 double-check - 366:5 down - 394:12, 394:18, 395:1, 399:21 Downey - 366:12, 390:13, 390:14, 404:22, 416:20, 416:23, 425:12, 426:16, 427:4, 427:8, 427:14, 427:18, 427:20, 427:24, 428:2, 428:9, 428:25, 436:11, 436:14, 436:17, 436:20, 436:23 Downy - 436:8 dropped - 371:5 due - 377:9, 387:19, 391:16, 427:7 duly - 366:16 duration - 428:1 during - 374:14, 377:11, 380:24, 387:20, 391:18 During - 368:7 duties - 379:18, 409:22 Duties - 378:8, 386:6 duty - 380:25</p> |
| D | | | | |
| <p>damn - 402:6 date - 374:8, 374:16, 374:19, 376:3, 383:10, 383:22, 384:10, 395:23, 407:5, 410:5, 412:16, 412:20, 413:24, 415:16, 423:11, 434:7 Dated - 364:3 dated - 375:23, 384:5 dates - 374:13 days - 412:19, 428:16, 434:9 dealing - 371:24 December - 366:4, 406:23 decide - 432:4</p> | | | | |
| E | | | | |
| <p>e-mail - 384:23, 385:15, 419:18, 435:11 easy - 400:24 effect - 388:20, 389:1, 411:8, 412:12, 412:14, 413:1, 424:19, 425:1, 425:19 effective - 409:20, 409:24, 409:25, 410:5, 410:11, 412:16, 413:2 eight - 401:11 either - 418:25, 430:15, 431:6 electronic - 384:23, 385:15, 435:11 Elmsford - 365:20</p> | | | | |

Proceedings

440

| | | | | |
|--|---|---|---|---|
| <p>employed - 366:21 enclosing - 422:20 end - 369:24, 393:8 endeavor - 433:4 ending - 404:2 engage - 403:15 engaged - 401:8, 402:11 entitlement - 427:6, 427:11 envelope - 431:10, 432:1 Esq - 365:5, 365:10, 365:20 Esqs - 365:3 etc - 392:18 event - 411:14 evidence - 375:12, 376:23, 377:1, 377:4, 377:23, 379:19, 379:21, 380:11, 380:13, 381:9, 381:19, 382:11, 385:23, 386:1, 386:4, 386:7, 387:23, 388:2, 390:2, 393:1, 397:10, 398:7, 408:24, 409:6, 409:8, 409:11, 409:14, 410:25, 421:7, 422:5, 424:7, 424:9, 424:12, 429:12, 429:18, 429:21 evidences - 410:5 evidencing - 412:7 exact - 413:24, 417:13 exactly - 392:22 examination - 414:13, 415:7 Examination - 366:20, 413:15, 418:12, 422:1, 424:15, 428:14, 436:4, 436:7, 436:10, 436:13, 436:16, 436:19, 436:22 examined - 366:18 excuse - 380:17, 399:22 Excuse - 384:25, 393:10, 394:11, 394:17, 399:25, 401:22, 401:25, 403:19 excused - 425:9 exhibit - 394:5, 417:16 Exhibit - 376:2, 377:2, 380:13, 381:9, 381:19, 382:8, 383:9, 383:21, 384:9, 386:2, 386:18, 388:1, 390:14, 392:6, 392:15, 393:16, 395:22, 395:24, 396:25, 397:6, 397:10, 398:3, 400:15, 400:17, 401:1, 404:5, 404:6, 404:7, 404:14, 405:3, 405:23, 406:2, 406:3, 406:13, 406:19, 407:1, 407:4, 407:6, 408:6, 408:19, 408:24, 409:2, 409:5, 409:10, 409:12, 409:15, 409:19, 410:6, 410:10, 410:15, 411:25,</p> | <p>412:3, 412:5, 412:13, 412:14, 412:15, 413:1, 413:3, 413:16, 418:14, 419:1, 419:13, 419:22, 420:16, 421:2, 421:11, 421:15, 422:5, 423:8, 423:10, 423:14, 424:10, 424:16, 425:19, 425:25, 426:6 Exhibits - 435:3, 435:17 exist - 397:6 existing - 381:21 exists - 392:22, 392:25, 393:1 explanation - 400:21</p> <p>F</p> <p>face - 382:12, 389:10, 390:23 fact - 369:5, 372:1, 372:6, 373:15, 389:3, 389:20, 408:16, 411:25 facts - 405:16 factual - 377:14, 411:9 factually - 373:3 failure - 393:14 false - 381:20, 390:12 falsely - 382:7, 389:22, 390:20, 408:5 familiar - 374:3 familiarize - 368:9 feedback - 432:10 file - 412:7, 429:22 fill - 415:9 final - 430:14, 434:11 Fine - 400:11, 417:12, 434:1 fine - 432:7, 432:16 finish - 380:18, 403:24 finished - 399:23, 403:14 first - 366:16, 368:1, 379:12, 389:12, 395:15, 400:9, 404:18, 406:5, 413:17, 414:23, 415:1, 420:15, 430:10 floating - 430:6 floor - 401:2 foil - 412:22 foiled - 419:10 follow - 381:8, 391:2, 428:12 follow-up - 391:2, 428:12 Following - 429:18 follows - 366:19 force - 370:2 forfeiture - 388:4 Forgetting - 373:2 Forgive - 398:9 forgive - 378:9 form - 372:11 forward - 410:19 forwarded - 433:6 foundation - 375:5 Franklin - 365:9 frankly - 372:10 fraud - 382:18, 391:1</p> | <p>friend - 402:24 front - 399:16, 406:3, 408:12, 408:13 full - 380:3, 421:21, 427:25 full-time - 421:21</p> <p>G</p> <p>gap - 415:10 Garden - 365:9 germane - 371:24 given - 376:17, 381:24, 396:21, 406:15, 418:14, 419:1, 419:13, 428:16, 433:12 Glenn - 365:15 God's - 380:21, 393:15 Gould - 365:3 governs - 368:13 grievance - 422:3 ground - 429:7 grown - 403:10 guess - 375:21, 423:3 guide - 411:4 guilty - 407:18, 411:16</p> <p>H</p> <p>hall - 425:13 hallway - 402:18 hand - 394:21, 399:15, 401:2, 404:14, 405:23 handed - 378:13, 384:13, 395:4 handle - 429:15 hands - 425:17 Harold - 422:20, 423:21 Hartsdale - 364:24 head - 408:19 heading - 398:3 health - 421:20 hear - 371:6, 399:8, 400:9, 400:25, 405:16, 433:14 heard - 381:4 hearing - 366:3, 371:21, 406:23, 411:24, 412:10, 426:25, 429:21, 431:25, 432:19, 433:6, 433:10, 434:15, 434:18 heartbeat - 412:9 held - 367:2, 401:17 help - 382:5 herein - 366:16 himself - 392:6 hire - 420:19, 420:22 hired - 418:2, 419:2, 420:25 hires - 418:14, 419:22, 421:1 Hitsman - 365:18 Hoffman - 365:18 hold - 367:17, 367:23, 400:8, 414:8 holding - 378:24, 400:15, 400:16, 401:1, 404:5, 404:6, 405:23, 406:7, 406:8, 406:9, 406:13, 408:5 home - 380:5,</p> | <p>382:9, 382:13, 387:10, 388:11, 388:13, 390:6, 390:9, 427:10 hoodwink - 382:6 hours - 377:11, 387:21, 388:5, 391:18 house - 374:8, 374:18, 374:25, 375:16, 380:24, 390:25</p> <p>I</p> <p>Id - 380:10, 383:5, 383:12, 383:19, 383:24, 384:5, 384:16 Id/evd - 435:3, 435:17 identification - 376:3, 376:6, 377:3, 383:10, 383:22, 384:10, 386:3, 395:14, 395:23, 407:4, 409:13, 423:7, 423:11, 423:14, 424:11 identified - 398:7 identify - 423:15 ignored - 382:1 illegal - 372:8 illness - 377:10, 387:19, 391:16 imagine - 410:3 immediately - 415:12 impermissible - 430:5 implemented - 410:22 important - 410:14 imposed - 432:5 improper - 375:1, 415:6 incident - 375:6, 415:4, 415:13 included - 429:10 inclusive - 411:2 incorrect - 397:23 incredibly - 401:9 indicates - 407:2 individual - 391:17 individually - 421:16 initial - 376:15 injured - 381:1 injury - 377:10, 387:19, 391:17, 427:15, 428:5 inquired - 411:10, 415:11 inquiring - 415:14 inquiry - 426:18 instead - 374:25 instituted - 422:24 instructed - 416:2 intend - 371:20, 385:1 intended - 396:25 interjection - 389:18 interposed - 389:18 interpretation - 408:1 interrupt - 393:11 interrupting - 403:20 intimidate - 401:21 intimidating - 403:2 investigation -</p> | <p>416:3, 416:10, 416:12 involvement - 371:2 involving - 422:2 irrelevant - 411:15, 413:19, 414:4 issue - 369:9, 372:9, 379:17, 381:15, 388:24, 397:7, 411:23, 412:10, 419:19, 431:22 issued - 411:16, 418:25 itself - 387:24, 395:18</p> <p>J</p> <p>January - 364:10 jar - 432:8 job - 380:8, 408:9, 419:3, 427:7, 427:14, 427:16, 428:4 jog - 392:19 John - 365:20 joined - 368:5 Jonathan - 365:5 Jr - 365:15 judgment - 430:25 July - 374:20, 382:15, 383:5, 415:2, 415:16, 420:18</p> <p>K</p> <p>keep - 389:10, 403:2, 425:12 Kempkes - 364:7, 365:3, 368:25, 375:6, 381:13, 384:24, 385:16, 388:3, 389:3, 416:5, 418:18, 419:10, 420:5, 429:9, 435:5, 435:7, 435:11 Kempkes - 366:9, 415:2, 416:14, 422:3 kicked - 393:20 kind - 419:23, 421:2 King - 365:7, 423:20, 435:19 knowing - 418:23 knowledge - 368:13, 369:16, 370:7, 396:20, 409:17, 417:14, 417:22 knows - 393:13, 402:12, 407:14 Kurtz - 365:10, 423:19, 424:17</p> <p>L</p> <p>language - 370:3, 380:5, 390:7 lap - 399:17 last - 371:6, 371:8, 389:17, 399:11, 399:13, 400:12, 412:21, 415:25, 419:17 latter - 432:18 Law - 413:21 law - 369:13, 371:22, 372:2, 402:24, 428:8 Laws - 369:10, 369:22 lead - 414:15 leading - 406:5,</p> |
|--|---|---|---|---|

| | | | | |
|---|--|---|--|--|
| <p>414:12, 422:6 least - 411:19 leave - 380:1, 381:12, 382:10, 388:8, 388:11, 388:13, 388:25, 420:21, 421:10, 427:9, 427:13, 427:24, 428:16 leaving - 374:18, 388:13 legal - 407:12, 407:25, 411:8 letter - 422:19, 423:9, 423:18, 423:23, 424:24 Letter - 435:18 lie - 400:25 lied - 391:5, 404:11 Lieutenant - 367:7, 367:8, 367:10, 368:23, 368:24, 369:3, 375:13, 385:2, 416:2, 416:10, 418:16, 418:22 limited - 380:6 line - 379:16, 387:25, 406:24, 411:21 list - 421:6, 421:8 living - 367:6 Lic - 365:18 look - 376:4, 376:20, 383:11, 383:17, 383:23, 384:15, 389:12, 389:14, 391:3, 392:15, 392:25, 393:3, 398:10, 400:14, 410:16, 410:17, 423:12, 431:18 looked - 369:12, 431:13, 432:3 lost - 410:13 love - 404:1 Lovett - 365:3, 365:5, 366:10, 366:11, 366:20, 371:4, 371:5, 371:14, 372:2, 372:12, 372:22, 373:13, 373:22, 375:8, 375:23, 376:22, 378:2, 378:6, 378:9, 378:12, 379:22, 379:24, 380:17, 381:18, 382:25, 383:4, 384:4, 385:1, 385:3, 385:8, 385:22, 388:15, 389:9, 391:11, 392:4, 393:7, 393:10, 393:24, 393:25, 394:4, 394:11, 394:14, 394:20, 394:23, 395:1, 395:6, 395:10, 395:13, 396:2, 398:8, 398:25, 399:2, 399:18, 399:22, 399:24, 399:25, 400:2, 400:11, 400:24, 401:20, 401:23, 402:1, 402:2, 402:6, 402:14, 402:23, 403:1, 403:8, 403:13, 403:21, 403:23, 403:25, 404:11, 405:2, 405:4, 405:10, 405:20,</p> | <p>407:13, 408:3, 408:10, 408:14, 409:7, 411:22, 411:23, 413:7, 413:10, 413:13, 413:18, 414:3, 414:12, 414:14, 414:17, 414:19, 415:5, 415:15, 416:19, 416:25, 417:1, 417:7, 417:12, 417:16, 418:11, 418:12, 421:24, 422:6, 424:1, 424:4, 424:15, 424:23, 425:4, 425:14, 426:1, 426:7, 426:17, 426:20, 427:2, 428:21, 428:22, 429:1, 429:3, 429:7, 430:1, 430:3, 431:2, 431:12, 431:15, 432:6, 432:16, 433:17, 434:1, 434:5, 436:8, 436:14, 436:20 Ltd - 364:22 lying - 391:5</p> <p style="text-align: center;">M</p> <p>mail - 384:23, 385:15, 419:18, 435:11 managed - 392:5 Manual - 395:16 manual - 411:1, 435:13 mark - 383:4, 383:18, 384:4 marked - 375:20, 376:2, 376:5, 377:3, 383:9, 383:21, 384:9, 386:3, 395:14, 395:22, 407:1, 407:3, 407:6, 409:13, 423:7, 423:10, 423:13, 424:11 Marvin - 365:14, 366:1, 366:8, 372:17, 372:20, 376:25, 381:2, 381:6, 382:21, 382:24, 385:25, 391:7, 391:10, 395:8, 403:6, 405:13, 408:2, 409:10, 413:14, 413:20, 413:23, 414:6, 414:21, 415:19, 415:22, 422:7, 422:10, 424:8, 425:3, 430:24, 433:3, 434:14, 434:18 Mary - 365:14 Matter - 364:2 matter - 382:12, 408:16, 420:4, 426:15, 430:16 matters - 426:14 mayonnaise - 432:8 Mayor - 365:14, 365:15, 366:1, 366:8, 372:17, 372:20, 376:25, 381:2, 381:6, 382:21, 382:24, 385:25, 391:7, 391:10, 395:8, 403:6, 405:9, 405:11, 405:13, 407:15, 408:2, 409:10, 410:21, 413:14, 413:20, 413:23,</p> | <p>414:6, 414:21, 415:19, 415:22, 422:7, 422:10, 424:8, 425:3, 426:18, 430:24, 433:1, 433:3, 433:12, 434:13, 434:14, 434:18 maze - 410:13 meadow - 390:1 meaning - 368:24 meant - 432:14 meantime - 412:22 meet - 419:19, 419:20, 420:4, 421:16 meeting - 419:17, 421:22 Melissa - 364:23, 366:17, 437:15 melodic - 371:6, 371:8 member - 370:2, 372:16, 387:18, 387:19, 391:15, 406:18, 421:22 members - 380:1, 386:11, 389:21, 417:15, 420:16, 421:14 Memo - 435:9 memo - 375:11, 376:1, 376:17, 381:19, 383:5, 383:8, 383:20, 384:5, 384:8, 387:8, 395:17, 419:23, 435:6, 435:13 memorandum - 375:23, 376:7, 380:10, 435:4 Memorandum - 412:21 memory - 368:20, 392:19, 393:14 mentioned - 388:16, 389:7 might - 393:25 mind - 401:24 mine - 386:23 minute - 395:6 mirrors - 382:17 misled - 424:24 misread - 402:25 moment - 383:7 most - 401:13, 425:17 move - 376:22, 409:7 moved - 409:6 muffin - 390:1 Multi - 435:12 multi - 395:15 Multi-page - 435:12 multi-page - 395:15 municipal - 369:25 munist - 377:10, 382:9, 387:20, 391:17, 427:9 mutually - 431:7</p> <p style="text-align: center;">N</p> <p>name - 376:13, 380:21, 384:6, 393:15 nature - 377:19, 377:21 near - 414:10 necessary - 426:24, 427:1, 431:5, 432:4 need - 378:22, 385:4, 385:5, 433:13 needs - 417:5</p> | <p>never - 404:2 New - 364:9, 364:24, 365:4, 365:9, 365:20, 366:18, 369:22 new - 418:14, 419:7, 419:21, 421:1 newly - 419:2 Next - 376:13 next - 416:8 night - 434:19 non - 381:21, 427:7, 427:14, 431:21 Non - 427:16 North - 364:23 Notary - 366:17 Noted - 434:22 Nothing - 425:7, 432:24 nothing - 372:8, 373:20, 380:4, 380:8, 390:12, 395:19, 400:13, 402:15, 412:17, 418:23, 421:24, 424:13, 425:4, 432:23 notify - 431:21, 433:9 November - 395:17 nowhere - 389:7 nullity - 412:5 number - 428:16, 429:13</p> <p style="text-align: center;">O</p> <p>O'neil - 365:10, 366:5, 366:7, 370:24, 371:8, 372:1, 373:10, 373:19, 374:12, 375:4, 375:19, 376:24, 378:3, 378:7, 379:15, 380:16, 381:4, 381:7, 382:20, 385:24, 387:22, 391:20, 392:2, 392:21, 393:9, 394:3, 394:6, 394:11, 394:17, 398:5, 398:22, 398:24, 399:1, 399:5, 399:9, 399:10, 399:15, 399:20, 399:23, 400:1, 400:6, 400:9, 400:19, 401:4, 401:22, 401:25, 402:8, 402:16, 402:25, 403:10, 403:15, 403:19, 403:24, 404:9, 406:2, 406:10, 406:24, 407:11, 407:15, 408:10, 409:3, 409:9, 410:12, 412:8, 412:23, 413:11, 413:14, 413:15, 414:13, 414:16, 414:18, 415:11, 416:17, 418:7, 418:9, 422:1, 423:6, 424:3, 424:6, 424:13, 424:21, 425:7, 425:25, 428:12, 428:14, 428:19, 429:4, 430:15, 431:2, 431:17, 432:18, 432:24, 434:12, 434:21, 436:11, 436:17, 436:23 O'reilly - 365:18,</p> | <p>365:20, 366:13, 371:4, 371:10, 375:22, 378:1, 378:11, 384:25, 385:5, 391:25, 392:7, 393:23, 394:2, 394:9, 394:23, 395:9, 395:25, 396:4, 399:8, 400:8, 402:1, 402:4, 403:4, 403:23, 404:15, 404:19, 404:24, 405:2, 405:4, 405:8, 405:11, 410:17, 411:22, 413:4, 413:8, 413:11, 416:21, 417:3, 417:9, 417:18, 417:23, 418:11, 425:5, 425:8, 425:21, 425:23, 426:5, 426:10, 426:13, 426:21, 427:3, 427:11, 427:16, 427:19, 427:22, 428:1, 428:6, 428:10, 428:20, 428:23, 429:1, 430:1, 430:22, 431:1, 431:23, 432:14, 432:17, 432:22, 432:25, 433:4, 433:20, 433:23, 434:2, 434:6, 434:13, 434:15 object - 370:24, 373:10, 379:15, 387:22, 398:5 objected - 401:12, 406:2, 406:10 objecting - 433:21 objection - 372:18, 372:20, 376:24, 381:3, 382:22, 385:24, 387:25, 391:8, 391:21, 391:23, 399:5, 400:19, 404:10, 407:22, 408:11, 409:4, 409:9, 411:21, 413:21, 415:20, 422:8, 424:2, 424:5 Objection - 373:19, 374:12, 375:4, 382:24, 391:10, 398:22, 399:1, 404:9, 407:11, 408:2, 410:12, 413:18, 413:23, 414:3, 414:6, 414:12, 415:5, 415:22, 422:6, 422:10, 424:21 objectionable - 401:9 objects - 382:20 obligated - 390:8 Obviously - 387:22 occasion - 368:8, 379:12 occurred - 370:25, 420:7, 423:2 offer - 385:22, 394:5, 424:1, 424:4, 424:6 offered - 380:10, 397:10, 397:11, 397:14, 397:17, 397:20, 397:24, 420:4 officer - 420:3, 427:6, 427:22 Officer - 364:7, 365:3, 366:9, 368:25,</p> |
|---|--|---|--|--|

| | | | | | | |
|---|--|---|---|---|---|---|
| <p>375:6, 381:13, 384:24, 385:16, 388:3, 389:3, 415:2, 416:5, 416:14, 417:25, 418:18, 418:21, 419:10, 420:5, 422:3, 429:9, 435:5, 435:7, 435:11 officer's - 427:5 officers - 418:2, 419:2, 419:5, 419:8, 419:9, 420:20 once - 411:17, 430:13 One - 403:6, 428:3 one - 372:3, 373:20, 375:14, 387:14, 405:22, 407:16, 410:14, 418:7, 425:15, 425:18, 426:3, 426:14, 429:9, 430:3, 430:5 open - 429:24 opens - 432:8 opportunity - 426:23, 429:23 opposed - 419:2 order - 410:17, 411:15 orders - 379:20, 411:2 original - 396:22 otherwise - 394:7 ought - 372:10, 382:19, 391:3, 430:9 outrageous - 401:13, 401:16 outside - 402:11, 403:16 overrule - 372:18, 381:3, 382:22, 391:8, 413:21, 415:20, 422:8 Overruled - 414:21 overruled - 372:21, 382:24, 391:10, 391:24, 413:23, 414:6, 415:22, 422:10 own - 404:1</p> | <p>383:24, 384:5, 384:9, 384:15, 386:2, 387:8, 389:23, 390:14, 391:6, 395:22, 409:12, 417:17, 435:2 past - 377:7, 392:17 Patrolman - 414:9 pay - 369:17, 370:1, 370:20, 370:21, 371:17, 371:20, 372:16, 372:25, 373:5, 374:1, 416:14, 416:16, 427:12, 427:23, 427:25 payless - 370:5, 370:11 Pba - 418:17, 422:3, 422:15 penalty - 391:13, 429:12, 429:16, 431:5, 431:14, 432:4, 433:16 pending - 370:1, 413:5, 416:22, 417:1, 426:15 per - 428:16 perfectly - 393:13, 400:2 Perhaps - 425:20 perhaps - 382:5, 390:21, 401:15, 410:16 period - 368:7, 427:13, 427:20 Periodic - 411:2 perjury - 391:13 person - 387:20, 407:20 personnel - 429:22 pertains - 369:23 peruses - 376:8, 383:14, 383:25, 384:17 pizza - 374:19, 374:25 Plains - 365:4 planning - 421:13, 421:18 play - 394:22 pled - 411:16 Plle - 365:7 Pm - 364:10, 434:22 point - 370:19, 379:24, 392:14, 400:20, 405:20, 411:19, 425:1, 427:25 Police - 364:1, 364:7, 365:8, 365:14, 367:1, 368:8, 370:8, 370:12, 370:15, 371:15, 371:19, 376:14, 380:2, 385:14, 386:6, 395:16, 398:15, 407:25, 408:16, 408:21, 409:23, 410:10, 411:3, 412:1, 435:5, 435:13 police - 370:2, 417:15, 427:5 policies - 381:12 policy - 380:1, 382:11, 388:8, 388:25, 390:9, 420:21, 421:10, 427:9 polled - 372:19, 382:23, 391:9, 413:22, 414:5, 415:21, 422:9 Pondfield - 364:9</p> | <p>Poorman - 365:16 portion - 372:3 position - 367:3, 390:25 possession - 398:19 possibly - 368:22 post - 371:21, 411:24, 412:10, 412:21 power - 369:25, 371:18, 407:9 preceded - 371:2 predicate - 380:20 preferred - 364:5, 369:8 prepare - 415:19 prepared - 372:17, 381:2, 382:21, 391:7, 413:20, 419:4, 419:6, 419:7, 422:7 present - 397:16 Present - 365:13 Presumably - 425:16 pretense - 393:14 previously - 377:3, 386:3, 409:13, 417:11, 424:11 printed - 376:13 privilege - 401:14, 401:16, 402:9 privileged - 373:12, 402:21 problem - 385:9 procedure - 389:1 procedures - 381:13, 388:8, 388:15, 411:1, 428:7 proceed - 366:9, 405:8 proceeding - 372:9, 374:9, 374:15, 380:21, 388:10, 400:21, 401:12, 401:19, 402:12, 402:17, 422:24, 437:8 proceedings - 368:14, 388:24 produce - 389:13, 390:16, 393:6, 412:9 produced - 393:12, 425:21 prompted - 373:17 promptly - 433:8 promulgate - 409:1 proper - 415:8 propose - 431:3, 433:1 protected - 402:9, 402:10, 402:16 provide - 379:5, 390:7, 411:3, 422:15, 422:17, 426:23, 431:9 provided - 419:12, 432:1, 434:8 provides - 369:24, 389:22 provision - 374:10, 382:9, 387:7 provisions - 372:4, 375:1 Public - 366:17 purposely - 403:9 purposes - 429:12, 431:14, 433:11, 433:16 purpurate - 382:18 purpquant - 377:7, 392:18, 428:7</p> | <p>pursued - 372:10 put - 370:6, 370:10, 375:12, 376:14, 389:1, 393:8 puts - 400:22 putting - 412:25, 424:24, 425:19</p> | <p>Q</p> <p>questioning - 379:16, 387:25, 411:21 questions - 409:5, 413:9, 413:12, 416:18, 418:10, 427:3, 428:11, 428:21 quickly - 425:17 quiet - 401:5, 401:9 quite - 408:4 quoting - 410:24</p> | <p>R</p> <p>rank - 367:17, 367:23, 414:1, 414:4, 414:8 Re - 424:15, 428:14, 436:19, 436:22 re - 366:13 Read - 402:23 read - 369:19, 370:3, 371:10, 371:12, 372:3, 382:12, 383:1, 383:2, 398:1, 399:10, 399:14, 416:1 reading - 398:6 Really - 378:6 reason - 381:18, 389:11, 393:1, 397:5, 397:9, 402:19, 419:20 reasons - 427:7, 427:17 rebuttal - 412:20 receipt - 398:19, 399:12, 400:17, 406:14, 406:17, 434:10 receive - 422:19, 423:22, 423:25 received - 376:1, 377:4, 383:8, 383:20, 384:8, 385:17, 386:4, 386:22, 389:2, 395:21, 406:18, 407:3, 409:14, 410:2, 411:16, 413:17, 414:2, 418:24, 419:15, 421:17, 423:9, 423:19, 424:7, 424:9, 424:12 recess - 395:11 recognize - 376:6, 383:24, 384:2, 384:16, 384:20, 384:22 recommended - 420:24 reconvene - 430:18 record - 373:20, 374:15, 399:7, 400:4, 405:19, 408:8, 413:4, 417:6, 430:8 Recross - 422:1, 428:14, 436:16, 436:22 Redirect - 418:12, 424:15, 436:13, 436:19</p> | <p>refer - 378:3, 378:22 reference - 376:14, 377:15, 378:5, 379:22, 379:23, 381:10, 381:11, 381:15, 381:17, 381:21, 388:16, 388:20, 395:16, 410:18, 430:4, 431:18 referenced - 420:6, 424:19, 430:8 referred - 390:1 refresh - 368:20 refused - 419:17 regard - 415:4, 416:14, 423:20 regularly - 377:11, 387:21, 391:18 regulation - 368:12, 368:17 Regulations - 378:7, 386:6, 398:15 regulations - 368:10, 368:21, 374:4, 374:11, 375:3, 377:9, 377:16, 377:22, 378:22, 378:23, 378:25, 379:3, 379:18, 380:15, 380:23, 381:11, 381:17, 384:12, 388:7, 389:7, 389:15, 390:17, 391:4, 391:14, 396:3, 396:10, 396:22, 397:12, 398:12, 407:3, 407:10, 408:18, 408:24, 409:22, 417:20, 418:21, 422:4, 422:21, 423:21, 424:18, 430:12, 430:18 related - 388:25, 427:7, 427:14, 427:16 relates - 388:12, 421:8 relationship - 420:7 relevance - 371:14, 388:21, 388:22, 411:18 relevancy - 371:1 remain - 374:8, 377:10, 380:12, 387:20, 390:6, 390:9, 391:17, 401:9 remained - 401:4 remember - 392:23, 393:2, 393:21, 397:13 reminded - 377:7, 392:17 removed - 428:2 renew - 387:24, 411:20 reopen - 366:2, 426:24 reopened - 433:11 repeat - 415:23 repeated - 430:6 rephrase - 400:4 reporter - 371:13, 383:3, 399:14, 416:1 represent - 414:19, 432:2 representation - 390:13, 431:10 represented - 408:5, 410:2 represents - 398:11 request - 419:11,</p> |
|---|--|---|---|---|---|---|

Proceedings

443

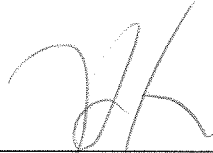
| | | | | |
|---|--|---|---|---|
| 419:14, 422:4, 422:14, 423:20, 425:15, 425:24, 426:5, 426:17 requests - 433:2 require - 382:13, 387:9, 390:3, 390:4, 390:24 required - 374:8, 380:23, 429:5 requirement - 375:15, 380:11 reserve - 429:17 residence - 377:10, 380:12, 387:20, 391:18 resolution - 410:9, 412:7, 412:24, 425:18, 426:8 resolutions - 426:3, 426:19, 426:25, 430:11 resolved - 411:24, 412:10 respect - 370:5, 373:3, 405:15, 406:13, 407:17, 409:15, 426:16, 430:11, 430:17, 430:19, 433:14, 433:17 respects - 371:23 respond - 429:23, 433:2, 433:24 response - 408:11, 433:12 responses - 419:15 responsible - 401:17 rest - 412:18, 413:10 result - 434:3, 434:16 returning - 390:11 review - 430:14 rights - 402:23 Road - 364:9, 365:4, 365:19 Robert - 365:16 routine - 382:17 rule - 368:12, 368:17, 392:22, 393:1 Rules - 378:7, 378:8, 386:6, 386:7, 398:15 rules - 368:9, 368:21, 374:4, 374:11, 375:3, 377:8, 377:16, 377:22, 378:21, 378:23, 378:25, 379:2, 379:17, 379:18, 380:14, 380:22, 381:10, 381:16, 381:22, 381:24, 382:2, 384:11, 386:15, 386:18, 386:21, 387:2, 387:6, 388:6, 388:19, 389:6, 389:15, 389:20, 390:16, 391:4, 391:14, 393:11, 396:3, 396:10, 396:22, 397:12, 398:2, 398:11, 407:2, 407:9, 408:18, 408:23, 409:21, 409:22, 411:1, 412:12, 417:19, 418:20, 422:4, 422:21, 423:21, | 424:18, 430:12, 430:17 ruling - 399:6 S safer - 433:19 Sasso - 364:23, 366:17, 437:15 Satriale - 368:24, 385:2, 416:2, 416:10, 418:16, 418:23 save - 375:19, 412:24, 425:15 saw - 385:6, 419:20 schedule - 421:21 scheduled - 377:11, 387:21, 391:19 Schoeneck - 365:7, 423:19, 435:18 sealed - 431:10, 432:1 seat - 394:24 second - 376:20, 377:6, 384:25, 392:16, 410:19, 418:7 Secondly - 430:8 secondly - 433:12 Section - 368:13, 369:9, 369:20, 369:21, 374:10, 375:2, 375:17, 377:8, 377:15, 378:20, 379:5, 381:12, 382:3, 387:9, 387:17, 390:19, 391:13, 392:18, 392:20, 398:3, 407:8, 429:19 section - 369:13, 375:18, 377:19, 377:21, 379:22, 381:22 sections - 381:16 secure - 370:11 see - 377:6, 377:12, 382:4, 393:4, 396:11, 396:14, 411:19, 414:17, 426:8, 430:10 sees - 432:9 send - 431:17 sent - 384:24, 385:15, 393:19, 422:20 separate - 372:9, 401:19, 404:22 separated - 425:13 Sergeant - 367:16, 367:21, 367:23, 367:24, 368:2, 368:4 Seriously - 392:21 service - 367:20, 428:3, 428:4, 428:8 set - 386:20, 387:2, 387:6, 412:12 settled - 388:23 several - 371:23, 419:15 shall - 369:25 short - 395:11 shovel - 394:22 show - 371:20, 375:11, 375:12, 381:22, 423:5, 431:2 shown - 377:24, 410:8 sick - 379:25, 380:6, 380:7, 380:25, 381:12, 382:10, 382:15, 382:16, 387:10, 388:7, | 388:25, 390:3, 390:5, 390:8, 420:20, 421:10, 427:9, 427:13, 427:24, 428:16 Sick - 380:8 side - 429:23 signed - 381:13, 388:3, 393:18, 398:19, 398:20, 400:17 signing - 417:15 sit - 394:12, 394:18 sitting - 385:6, 395:1 Six - 367:4, 367:18 slice - 374:19, 374:25 slide - 391:1 smoke - 382:17 someone - 387:10, 390:3, 393:2, 400:22, 407:19 sometimes - 429:19 somewhere - 398:18 soon - 416:7, 421:20 sooner - 434:9 sophisticated - 429:11 Sorry - 424:3 sorry - 385:11, 386:16, 390:4, 411:6, 415:23, 421:12 source - 382:8 speaking - 399:24 specific - 381:14, 388:25 specifically - 368:13, 390:6 Specifically - 413:24 spelled - 427:8 stage - 406:6 stair - 406:5 stairs - 406:4 stamp - 395:20 stamped - 395:18 start - 404:25 State - 366:18 statement - 371:7, 405:12, 417:10 statements - 418:19 states - 376:21 status - 370:20, 372:24, 373:4, 373:17, 373:21, 373:25, 416:14 statute - 372:3, 372:4 stay - 375:16, 380:24, 382:9, 382:13, 385:9, 387:10, 388:10, 390:25, 427:9 staying - 374:25, 380:5 Steinmuller - 396:23 stenographer - 405:18 still - 404:10, 407:22, 412:14 stoop - 401:3 stop - 383:6, 403:19, 407:21 straight - 389:10 strand - 371:7 strands - 371:9 | strategic - 393:15 street - 402:19 Subdivision - 369:22 subject - 402:12, 415:7, 415:8, 428:21 submission - 371:21, 431:13, 433:15 submissions - 411:25, 412:11, 434:4, 434:8 submitted - 432:21 Subsection - 369:24 subsequently - 418:22 substance - 387:18, 391:15, 392:5, 392:14 substantive - 433:21 suddenly - 393:20 suggest - 412:18, 431:1 suggesting - 431:24 suggestion - 391:2, 430:21 suggestions - 429:24 suit - 402:10, 429:25 supercede - 396:25, 397:3, 426:3 superceded - 412:13 supplement - 378:21, 379:2, 381:25, 386:8, 386:10, 386:18, 396:9, 396:12, 396:15, 396:17, 396:19, 396:21, 397:4, 397:6, 397:11, 397:23, 407:6, 412:4, 430:13 supplementary - 411:4, 411:13 supposed - 390:16, 393:19, 430:20 supposedly - 393:17 surprised - 389:9 suspect - 426:2 suspend - 370:1, 371:20, 372:15 suspended - 368:25, 369:5, 370:16, 370:20, 370:21, 372:24, 372:25, 373:5, 373:25, 374:1, 416:5 suspending - 369:16, 371:16 suspension - 370:6, 370:11, 371:3, 372:2, 372:6, 372:7, 388:6, 415:12, 416:15, 416:16 suspensions - 370:25 sustained - 408:2 swear - 366:13 sworn - 366:17, 386:11, 387:16, 387:18, 391:15, 421:14 | Taxter - 365:19 Terence - 365:10 terms - 370:25, 427:23 testified - 366:18 testify - 373:24, 391:22, 392:2, 393:5 testimony - 371:12, 373:11, 383:2, 387:16, 404:21, 407:5, 425:11 Thereafter - 387:1 thinking - 397:22 Thomas - 364:7 thoughts - 430:2 three - 381:23, 410:24 thumbing - 415:9 title - 367:19, 367:20, 367:22, 378:4, 378:8 tonight - 405:16, 432:20 tonight's - 433:6 tour - 377:11, 387:21, 391:19 tours - 380:25 transcript - 406:23, 412:21, 430:14, 433:5, 434:11, 437:8 transcripts - 434:10 trial - 370:1 true - 368:25, 386:12, 408:4, 418:23, 437:7 Trustee - 365:15, 365:16 Trustees - 369:25, 410:21 truth - 402:22 truthfully - 398:13 try - 381:8, 392:23 trying - 382:6, 389:24 turn - 375:10, 378:19, 402:5, 407:22 Two - 367:12, 367:14 two - 399:17, 401:1, 414:23, 418:14, 419:2, 419:7, 419:9, 419:21, 420:16, 420:19, 421:1, 426:3, 426:14, 426:25, 430:11 type - 403:16 |
| | | | | U unable - 427:6 unaccommodated - 429:6 Unconsolidated - 369:9, 369:22 under - 369:9, 375:16, 390:8, 391:12, 395:17, 407:8, 421:2, 428:7, 429:19, 435:13 Underhill - 365:16 underlying - 386:15, 386:17, 386:20, 387:2, 387:6, 389:15, 389:19, 390:16, 391:4, 393:11, 398:2, 398:11 understood - 399:19 unless - 382:13, 412:19, 412:23, |
| | | | T talks - 407:21 | |

| | |
|--|--|
| 419:19, 429:5, 432:3 unlimited - 428:18 Unlimited - 428:19 unrelated - 429:9 up - 375:14, 391:2, 394:16, 400:22, 406:5, 408:8, 408:13, 417:4, 417:7, 417:8, 420:12, 420:15, 428:12, 432:8 urging - 389:11 | 391:23, 392:3, 392:24, 393:3, 393:4, 419:11, 434:4 wrote - 375:11, 376:11, 390:21, 393:18 |
| V | Y |
| valuable - 401:6, 401:11 various - 429:15 verbally - 379:10 Village - 364:1, 365:8, 366:2, 366:24, 367:9, 370:7, 370:12, 370:16, 371:18, 380:2, 386:5, 408:17, 408:22, 410:9, 412:2, 412:6, 412:16, 412:23, 412:25, 414:20, 425:19 Village's - 366:6 violate - 372:2 violated - 371:15, 371:22, 389:4, 411:17, 420:20 violating - 379:25, 388:6, 388:7 violations - 379:17, 379:20 voice - 371:5, 375:19, 404:1 | year - 374:21, 423:4, 428:3, 428:4, 428:16 years - 367:4, 367:12, 367:14, 367:18, 414:23, 429:13 York - 364:9, 364:24, 365:4, 365:9, 365:20, 366:18, 369:22 yourself - 368:9, 392:16, 431:11 |
| W | |
| wait - 394:15 wants - 385:9, 405:9, 412:23, 430:16 waste - 415:10 ways - 429:15 whereabouts - 415:2 wherein - 388:4 White - 365:4 whole - 378:4 wholesale - 371:22 wide - 419:23 William - 365:15 willing - 419:19 wish - 433:10, 434:4 withdraw - 373:22, 400:11, 425:2 withdrawing - 413:5 witness - 366:14, 376:8, 378:14, 383:14, 383:25, 384:17, 395:5, 398:7, 404:16, 411:10, 413:9, 424:14, 425:8 Witness - 366:16 witnesses - 429:2, 429:5 wonder - 380:19 words - 387:17, 391:15, 392:5, 392:13 world - 389:19 write - 393:16 writing - 379:9, 381:23, 382:8, 410:5, 421:3, 421:5, 433:24 Writing - 379:11 written - 380:20, | |

CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2008, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Southern District's Local Rules, and/or the Southern District's Rules on Electronic Service, and/or the individual rules of practice of District Court Judge Kenneth M. Karas upon the following parties and participants:

LOVETT & GOULD, LLP
222 Bloomingdale Road
White Plains, New York 10605



Howard M. Miller (HMM4538)
BOND, SCHOENECK & KING, PLLC
Attorneys for Defendants
1399 Franklin Avenue, Suite 200
Garden City, New York 11530
(516) 267-6300
hmliller@bsk.com